Article - Family Law

§1–101.

(a) In this article the following words have the meanings indicated.

(b) "Child in need of assistance" means an individual adjudicated as a child in need of assistance under Title 3, Subtitle 8 of the Courts Article.

(c) "CINA" means a child in need of assistance.

(d) "CINA case" means a case under Title 3, Subtitle 8 of the Courts Article.

(e) "County" means a county of this State and, unless expressly provided otherwise, Baltimore City.

(f) "Includes" or "including" means includes or including by way of illustration and not by way of limitation.

(g) "Juvenile court" means the circuit court for a county sitting as a juvenile court.

(h) "Local department" means:

(1) a local department of social services; or

(2) in Montgomery County, the county department of health and human services.

(i) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

(j) "State" means, except in Title 10, Subtitle 3 of this article:

(1) a state, commonwealth, possession, or territory of the United States; or

(2) the District of Columbia.

(k) "Summons" includes a subpoena.

(l) "Support" includes maintenance.

§1–201.

(a) For the purposes of subsection (b)(10) of this section, "child" means an unmarried individual under the age of 21 years.

(b) An equity court has jurisdiction over:

(1) adoption of a child, except for a child who is under the jurisdiction of any juvenile court and who previously has been adjudicated to be a child in need of assistance;

(2) alimony;

(3) annulment of a marriage;

(4) divorce;

(5) custody or guardianship of a child except for a child who is under the jurisdiction of any juvenile court and who previously has been adjudicated to be a child in need of assistance;

(6) visitation of a child;

(7) legitimation of a child;

(8) paternity;

(9) support of a child; and

(10) custody or guardianship of an immigrant child pursuant to a motion for Special Immigrant Juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of 18 years for purposes of § 101(a)(27)(J) of the federal Immigration and Nationality Act.

(c) In exercising its jurisdiction over the custody, guardianship, visitation, or support of a child, an equity court may:

(1) direct who shall have the custody or guardianship of a child, pendente lite or permanently;

(2) determine who shall have visitation rights to a child;

(3) decide who shall be charged with the support of the child, pendente lite or permanently;

(4) from time to time, set aside or modify its decree or order concerning the child; or

(5) issue an injunction to protect a party to the action from physical harm or harassment.

(d) This section does not take away or impair the jurisdiction of a juvenile court or a criminal court with respect to the custody, guardianship, visitation, and support of a child.

§1–202.

(a) In an action in which custody, visitation rights, or the amount of support of a minor child is contested, the court may:

(1) (i) appoint a lawyer who shall serve as a child advocate attorney to represent the minor child and who may not represent any party to the action; or

(ii) appoint a lawyer who shall serve as a best interest attorney to represent the minor child and who may not represent any party to the action; and

(2) impose counsel fees against one or more parties to the action.

(b) A lawyer appointed under this section shall exercise ordinary care and diligence in the representation of a minor child.

§1–203.

(a) In an action for alimony, annulment, or divorce, an equity court:

(1) has all the powers of a court of equity; and

(2) may issue an injunction to protect any party to the action from physical harm or harassment.

(b) Unless the court expressly provides otherwise, the filing of an action for an annulment, a limited divorce, or an absolute divorce does not constitute lis pendens with respect to any property of a party.

(c) In an action for alimony, annulment, or divorce, a final decree may not be entered except on oral testimony by the plaintiff in a hearing before an examiner or a master or in open court.

(d) An equity court shall hear and determine a case for alimony in as full and ample a manner as a case for alimony could be heard and determined by the Ecclesiastical Courts of England.

§2–101.

(a) In this title the following words have the meanings indicated.

(b) "Authorized official" means an individual authorized by the laws of this State to perform a marriage ceremony.

(c) "Clerk" means a clerk of the circuit court for a county.

(d) "License" means a license to marry issued in this State.

§2–201.

(a) This section may not be construed to invalidate any other provision of this title.

(b) Only a marriage between two individuals who are not otherwise prohibited from marrying is valid in this State.

§2–202.

(a) Any marriage performed in this State that is prohibited by this section is void.

(b) (1) An individual may not marry the individual's:

(i) grandparent;

(ii) parent;

(iii) child;

(iv) sibling; or

(v) grandchild.

(2) An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine of $1,500.

(c) (1) An individual may not marry the individual's:

(i) grandparent's spouse;

(ii) spouse's grandparent;

(iii) parent's sibling;

(iv) stepparent;

(v) spouse's parent;

(vi) spouse's child;

(vii) child's spouse;

(viii) grandchild's spouse;

(ix) spouse's grandchild; or

(x) sibling's child.

(2) An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine of $500.

§2–301.

(a) An individual 16 or 17 years old may not marry unless:

(1) the individual has the consent of a parent or guardian and the parent or guardian swears that the individual is at least 16 years old; or

(2) if the individual does not have the consent of a parent or guardian, either party to be married gives the clerk a certificate from a licensed physician, licensed physician assistant, or certified nurse practitioner stating that the physician, physician assistant, or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.

(b) An individual 15 years old may not marry unless:

(1) the individual has the consent of a parent or guardian; and

(2) either party to be married gives the clerk a certificate from a licensed physician, licensed physician assistant, or certified nurse practitioner stating that the physician, physician assistant, or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.

(c) An individual under the age of 15 may not marry.

§2–302.

A person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $250.

§2–401.

(a) An individual may not marry in this State without a license issued by the clerk for the county in which the marriage is performed.

(b) Any individual who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of $100.

§2–402.

(a) An applicant for a license may apply to the clerk only at the office of the clerk during regular office hours.

(b) Except as provided in subsections (d) and (e) of this section, to apply for a license, 1 of the parties to be married shall:

(1) appear before the clerk and give, under oath, the following information,

which shall be placed on an application form by the clerk:

(i) the full name of each party;

(ii) the place of residence of each party;

(iii) the age of each party;

(iv) whether the parties are related by blood or marriage and, if so, in which degree of relationship;

(v) the marital status of each party; and

(vi) whether either party was married previously, and the date and place of each death or judicial determination that ended any former marriage;

(2) sign the application form; and

(3) provide the clerk with the Social Security number of each party who has a Social Security number.

(c) The Social Security numbers of the parties:

(1) shall be included in the electronic file for the marriage license application; and

(2) except as provided in § 4–334 of the General Provisions Article, may not be disclosed as part of the public record of the marriage license application.

(d) If the parties to be married are not residents of the county where the marriage ceremony is to be performed, the clerk shall accept, instead of the application specified in subsection (b) of this section, an affidavit from 1 of the parties to be married. The affidavit shall:

(1) contain the information required by subsection (b) of this section; and

(2) be sworn to under oath before a clerk or other comparable official in the county, state, province, or country where the party resides.

(e) In Cecil County both parties to be married shall appear together before the clerk to apply for a license.

(f) Until a license becomes effective, a clerk may not disclose the fact that an application for a license has been made except to the parent or guardian of a party to be married.

§2–403.

(a) (1) A license shall read substantially as follows:

"State of Maryland and County of ..... To any individual authorized by the laws of this State to perform a marriage ceremony. You are hereby authorized to join together in matrimony according to the rules and ceremonies of your church, society or religious sect and the laws of this State, or according to the laws of this State, the following individuals:

.....

(state here name of intended husband)

.....

(state here name of intended wife)

Given under my hand and seal of the Circuit Court for ....., this ..... day of ..... (state here month and year)."

(2) A license shall contain:

(i) appropriate spaces in which the clerk shall enter:

1. the relationship of the parties to be married, if any; and

2. as to each party, the name, age, state or foreign country in which born, residence, and marital status (single, widowed, or divorced); and

(ii) a statement that the license is valid only:

1. for 6 months from the effective date and time stated on the license; and

2. in the county in which it is issued.

(b) (1) Attached to a license shall be 2 certificate forms that:

(i) read, "I hereby certify that on this ..... day of ..... (state here month and year), ... (state here time), at ..... (state here location), in accordance with the license issued by the Clerk of the Circuit Court for ..... (state here jurisdiction), I united in marriage the following individuals:

.....

(state here name of husband)

.....

(state here name of wife)";

(ii) restate all information concerning the individuals married that is stated on the marriage license; and

(iii) provide a space for the signature of the authorized official who performs the marriage ceremony.

(2) Attached to a license, in the case of a Society of Friends marriage ceremony, shall be 2 certificate forms that:

(i) read, "We hereby certify that on this ..... day of ..... (state here month and year), ... (state here time), at ..... (state here location), we, ... (state here name of husband) and ..... (state here name of wife) were united in marriage in accordance with the ceremony of the Society of Friends and in accordance with the license issued by the Clerk of the Circuit Court for ..... (state here jurisdiction)";

(ii) restate all information concerning the individuals married that is stated on the marriage license; and

(iii) provide spaces for the signatures of the parties and the 2 overseers of the marriage ceremony.

§2–404.

(a) (1) The fee for a license is $10.

(2) The clerk shall:

(i) retain $5 of the fee; and

(ii) pay $5 of the fee into the general fund of the county.

(3) (i) A party to be married may obtain a replacement for a valid marriage license while the license is valid.

(ii) The fee for a replacement license is $10, payable into the General Fund of the State.

(b) Except as otherwise provided in this section:

(1) any county or group of 2 or more counties may set an additional fee of up to $25 for each license; and

(2) the proceeds shall be used to fund domestic violence programs.

(c) In Anne Arundel County:

(1) the County Council may set by ordinance an additional fee of up to $45 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the general fund of the county each month; and

(3) the County Council shall distribute the proceeds to promote or fund domestic violence programs.

(d) In Baltimore City:

(1) the Mayor and City Council shall set by resolution an additional fee of up to $75 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the Mayor and City Council each month; and

(3) the proceeds shall be used to fund domestic violence programs that have 24–hour intake ability.

(e) In Baltimore County:

(1) in addition to the fee authorized under subsection (b)(1) of this section, the County Council may set by resolution an additional fee of up to $15 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the Director of Finance of the county each month;

(3) the proceeds, in addition to designated federal, State, and county funds, shall be used to fund battered spouse shelters and domestic violence programs established under Title 4, Subtitle 5 of this article; and

(4) the County Executive shall prepare and make available an annual report on or before December 1 of each year on the disposition of fees collected under this subsection during the previous fiscal year.

(f) In Calvert County:

(1) the Board of County Commissioners may set an additional fee of up to $55 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the County Commissioners each month; and

(3) the proceeds shall be used to fund battered spouse shelters and domestic violence programs in Calvert County.

(g) In Cecil County:

(1) the Board of County Commissioners shall set an additional fee of $20 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the County Treasurer each month;

(3) the proceeds in addition to designated federal funds and county funds shall be given to the Cecil County Department of Social Services Advisory Board to be used to fund battered spouse shelters and domestic violence programs; and

(4) the Cecil County Department of Social Services Advisory Board shall prepare and make available to the Board of County Commissioners an annual report on or before December 1 of each year of the disposition of fees collected under this subsection during the previous fiscal year.

(h) In Charles County:

(1) the Board of County Commissioners may set an additional fee of up to $35 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the County Commissioners each month; and

(3) the proceeds shall be used to fund domestic violence programs located in Charles County.

(i) In Frederick County:

(1) the Board of County Commissioners may set an additional fee, in an amount not to exceed $65, for each license;

(2) the clerk shall pay the proceeds from the additional fee to the County Commissioners each month; and

(3) the proceeds, in addition to designated federal, State, and county funds, shall be used to fund domestic violence programs established under Title 4, Subtitle 5 of this article.

(j) In Garrett County:

(1) the Board of County Commissioners may set an additional fee of up to $40 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the County Commissioners each month; and

(3) the proceeds shall be used to fund domestic violence programs in Garrett County.

(k) In Harford County:

(1) the County Council may set by resolution an additional fee of up to $40 for each license;

(2) the clerk shall:

(i) retain 3% of the proceeds from the additional fee for processing;

(ii) pay $5 of the proceeds from each license to the Harford County Sexual Assault/Spousal Abuse Resource Center, Inc.; and

(iii) pay the remaining proceeds to the Treasurer of Harford County each month;

(3) the county:

(i) shall use the proceeds, in addition to designated federal, State, and county funds, to fund battered spouse shelters and domestic violence programs; and

(ii) may make in-kind contributions to battered spouse and domestic violence programs; and

(4) the County Executive shall prepare and make available an annual report on or before December 1 of each year on the disposition of fees collected under this subsection during the previous fiscal year.

(l) In Howard County:

(1) the County Council may set by resolution an additional fee of up to $50 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the Director of Finance of the county each month;

(3) the proceeds, in addition to designated federal, State, and county funds, shall be used to fund battered spouse shelters and domestic violence programs established under Title 4, Subtitle 5 of this article; and

(4) the County Executive shall prepare and make available an annual report on or before December 1 of each year on the disposition of fees collected under this subsection during the previous fiscal year.

(m) In Montgomery County:

(1) the County Council may set by resolution an additional fee of up to $45 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the Director of Finance of the county each month;

(3) the proceeds, in addition to designated federal, State, and county funds, shall be used to fund battered spouse shelters and domestic violence programs; and

(4) the County Executive shall prepare and make available an annual report on or before December 1 of each year on the disposition of fees collected under this subsection during the previous fiscal year.

(n) In Prince George's County:

(1) the County Council may set by resolution an additional fee of up to $60 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the Director of Finance of the county, who shall distribute the proceeds to the Family Crisis Center of Prince George's County each month;

(3) if the Family Crisis Center of Prince George's County changes its name or objectives or ceases to exist, the proceeds, in addition to designated federal, State, and county funds, shall be used to fund battered spouse shelters and domestic violence programs; and

(4) the County Executive shall prepare and make available an annual report on or before December 1 of each year on the disposition of fees collected under this subsection during the previous fiscal year.

(o) In Washington County:

(1) the Board of County Commissioners may set an additional fee of up to $50 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the County Commissioners each month; and

(3) the proceeds shall be used to fund battered spouse shelters and domestic violence programs in Washington County.

§2–404.1.

(a) (1) A county may discount a marriage license fee under § 2-404(a) of this subtitle if the couple to be married has completed, within 1 year before the date of the application for the license, a premarital preparation course that meets the requirements specified in this section.

(2) The amount of any discount shall be determined by the county governing body.

(b) A premarital preparation course shall:

(1) include instruction regarding:

(i) conflict management;

(ii) communication skills;

(iii) financial responsibilities; and

(iv) children and parenting responsibilities; and

(2) consist of at least 4 hours of instruction.

(c) A premarital preparation course may be conducted by:

(1) a clinical professional counselor or a clinical marriage and family therapist licensed under Title 17, Subtitle 3A of the Health Occupations Article;

(2) a psychologist licensed under Title 18 of the Health Occupations Article;

(3) a social worker licensed under Title 19 of the Health Occupations Article;

(4) an official representative of a religious institution if the representative has relevant training; or

(5) any other qualified provider approved by a county governing body.

(d) (1) A premarital preparation course provider shall register with the clerk by filing a written affidavit containing:

(i) the provider's name, address, and telephone number;

(ii) a summary of the provider's qualifications and training; and

(iii) a statement that the provider shall comply with the course requirements specified in this section.

(2) The clerk may establish a roster of area premarital preparation course providers, including those who offer the course on a sliding fee scale or for free.

(e) (1) A premarital preparation course provider shall provide to each couple who completes the course a certificate of completion that specifies:

(i) the names of the couple;

(ii) the name of the provider; and

(iii) the date of completion of the course.

(2) To receive a discounted marriage license fee under this section, an applicant for a license shall verify completion of a premarital preparation course by filing with the clerk a valid certificate of course completion issued in accordance with

paragraph (1) of this subsection.

(f) Any cost for a premarital preparation course shall be paid by the applicant for a marriage license.

(g) The discount authorized by this section may not be applied to any fee used to fund domestic violence programs.

§2–405.

(a) The clerk for the county in which a marriage ceremony is to be performed may issue and deliver a license at the time the application is made.

(b) A license may be issued only at the office of the clerk during regular office hours.

(c) (1) If either party to be married is known to be of an age where the parental or guardian's consent and oath, or the licensed physician's certificate, required by § 2-301 of this title, is required, the clerk shall obtain the consent and oath or the certificate before issuing the license.

(2) (i) The clerk's record required under this title shall include:

1. the consent and oath required by § 2-301 of this title, if written; or

2. the fact that consent was given and an oath was made, if given and made in person.

(ii) The licensed physician's certificate required by § 2-301 of this title may not be made a part of the clerk's record.

(3) After an individual has been issued a license in accordance with the provisions of this subtitle, the clerk who issued the license shall seal the licensed physician's certificate. Except on order of the court, the licensed physician's certificate shall remain sealed.

(d) (1) Except as provided in paragraph (2) of this subsection, a license is not effective until 6 a.m. on the second calendar day after the license is issued.

(2) For good cause shown, a judge of the circuit court for the county in which the application is made may sign an authorization for a license to become effective at a time before the waiting period expires, as stated in the authorization, if 1 of the parties to be married is:

(i) a resident of this State; or

(ii) a member of the United States armed forces.

(e) If, during the questioning of an applicant for a license, the clerk finds that there is a legal reason why the applicants should not be married, the clerk shall withhold the license unless ordered by the court to issue the license.

(f) A license may be delivered personally or by mail to:

(1) either of the parties to be married; or

(2) any person authorized in writing by either of the parties to accept delivery.

(g) (1) The Department of Health and Mental Hygiene shall provide to each clerk:

(i) birth control information; and

(ii) a list of the family planning clinics located in the county where the license is issued.

(2) When the clerk issues a license, the clerk shall make the information and list available to each applicant for a license.

(h) (1) A clerk may not predate an application for a license.

(2) A clerk who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject:

(i) for a first offense, to a fine not exceeding $100; and

(ii) for each subsequent offense, to a fine not exceeding $500 or imprisonment not exceeding 90 days or both.

§2–406.

(a) (1) In this subsection, "judge" means:

(i) a judge of the District Court, a circuit court, the Court of Special Appeals, or the Court of Appeals;

(ii) a judge approved under Article IV, § 3A of the Maryland Constitution and § 1–302 of the Courts Article for recall and assignment to the District Court, a circuit court, the Court of Special Appeals, or the Court of Appeals;

(iii) a judge of a United States District Court, a United States Court of Appeals, or the United States Tax Court; or

(iv) a judge of a state court if the judge is active or retired but eligible for recall.

(2) A marriage ceremony may be performed in this State by:

(i) any official of a religious order or body authorized by the rules and customs of that order or body to perform a marriage ceremony;

(ii) any clerk;

(iii) any deputy clerk designated by the county administrative judge of the circuit court for the county; or

(iv) a judge.

(b) Within 6 months after a license becomes effective, any authorized official may perform the marriage ceremony of the individuals named in the license.

(c) (1) An individual may not perform a marriage ceremony unless the individual is authorized to perform a marriage ceremony under subsection (a) of this section.

(2) An individual who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine of $500.

(d) (1) An individual may not knowingly perform a marriage ceremony between individuals who are prohibited from marrying under § 2-202 of this title.

(2) An individual who violates the provisions of this subsection is guilty of a misdemeanor and on conviction is subject to a fine of $500.

(e) (1) An individual may not perform a marriage ceremony without a license that is effective under this subtitle.

(2) An individual who violates the provisions of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

(f) The county administrative judge of the circuit court for the county shall designate:

(1) when and where the clerk or deputy clerk may perform a marriage ceremony; and

(2) the form of the marriage ceremony to be recited by the clerk or deputy clerk and the parties being married.

(g) This section does not affect the right of any religious denomination to perform a marriage ceremony in accordance with the rules and customs of the denomination.

§2–407.

(a) An individual may not knowingly make any material false statement to obtain or to help another individual to obtain a license or marriage ceremony in violation of this title or of any order of court under § 2-405 of this subtitle.

(b) An individual who violates the provisions of this section is guilty of perjury.

§2–408.

(a) An authorized official may not give or offer to give any reward to any person as an inducement to direct to the authorized official any individual who is contemplating marriage.

(b) An authorized official who violates the provisions of subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50 for each offense.

§2–409.

(a) Each marriage certificate shall contain:

(1) the name, signature, and title of the authorized official who performs the marriage ceremony; or

(2) if the individuals are married in a Society of Friends marriage ceremony, the signatures of the individuals and the attestation of the certificate by 2 overseers of the marriage ceremony.

(b) (1) The authorized official who performs the marriage ceremony shall:

(i) hand 1 marriage certificate to the individuals; and

(ii) return, within 5 days from the date of the marriage ceremony, the other marriage certificate to the clerk who issued the license to which the certificates were attached, but if the authorized official who performs the marriage ceremony dies or resigns, some other individual shall return the certificate.

(2) If the individuals are married in a Society of Friends marriage ceremony, they:

(i) may keep 1 marriage certificate; and

(ii) within 5 days from the date of the marriage ceremony, shall return the other marriage certificate to the clerk who issued the license to which the certificates were attached.

(c) If the marriage certificate is not returned within 6 months after the date on which the license becomes effective, the clerk who issued the license shall attempt to

determine whether the marriage ceremony was performed and, if so, the name of the authorized official who performed the marriage ceremony.

(d) (1) An individual who performs a marriage ceremony or who is married in a Society of Friends marriage ceremony may not violate the provisions of subsection (b)(1)(ii) or (2)(ii) of this section.

(2) An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine in an amount that the court considers appropriate.

§2–410.

(a) (1) Except as provided in this subsection, a judge, clerk, or deputy clerk may not receive any fee, remuneration, or gift for performing a marriage ceremony.

(2) (i) 1. A Maryland judge's fee for performing a marriage ceremony is a nonrefundable fee, payable to the clerk before a marriage license is issued, in the amount of $30 in Cecil County and $25 in any other county.

2. The clerk's or deputy clerk's fee for performing a marriage ceremony is $30 in Cecil County and $25 in any other county.

(ii) Except as provided in paragraph (10) of this subsection, each month the clerk shall pay $10 of each fee collected under this section into the general fund of the county.

(iii) Except as otherwise provided in this subsection, the clerk shall retain the remainder of each fee and deposit and disburse it in the same manner as other fees collected by the clerk.

(3) In Allegany County, from the remaining $15, the clerk shall pay, quarterly, $2 of each fee to the Allegany County Historical Society.

(4) (i) In Anne Arundel County, from the remaining $15, the clerk shall pay $4 of each fee to the Annarrundel County Trust for Preservation, Inc.

(ii) The Annarrundel County Trust for Preservation, Inc. shall report annually to the Anne Arundel County Executive and the Maryland Historical Trust on the use of all funds received under this section, including a detailed record of the expenditures and receipts of all funds transferred from the Anne Arundel County Committee of the Historical Trust.

(iii) The Anne Arundel County Executive or the Maryland Historical Trust may request at any time an audit of the financial records of the Annarrundel County Trust for Preservation, Inc.

(5) (i) In Baltimore County, the clerk shall pay the remaining $15 to the

Baltimore County Historical Trust, Inc.

(ii) The Baltimore County Historical Trust, Inc. shall report annually to the Baltimore County Executive and the Maryland Historical Trust on the use of all funds received under this section, including a detailed record of the expenditures and receipts of all funds collected before July 1, 1987.

(iii) The Baltimore County Executive or the Maryland Historical Trust may request at any time an audit of the financial records of the Baltimore County Historical Trust, Inc.

(6) In Cecil County:

(i) of the funds remaining after the payment into the general fund of the county under paragraph (2)(ii) of this subsection, the clerk shall pay:

1. $5 of each fee to the Cecil Historical Trust, Incorporated; and

2. $5 of each fee to the Historical Society of Cecil County;

(ii) the Historical Society of Cecil County shall report annually to the Cecil County Commissioners on the use of the funds received under this section;

(iii) the Cecil Historical Trust, Incorporated shall report annually to the Cecil County Commissioners and the Maryland Historical Trust on the use of all funds received under this section, including a detailed record of the expenditures and receipts of all funds transferred from the Cecil County Committee of the Maryland Historical Trust; and

(iv) the Cecil County Commissioners or the Maryland Historical Trust may request at any time an audit of the financial records of the Cecil Historical Trust, Incorporated.

(7) In Garrett County, from the remaining $15, the clerk shall pay $5 of each fee to the Garrett County Historical Society.

(8) In Montgomery County, from the remaining $15, the clerk shall pay:

(i) $2 of each fee to the Montgomery County Historical Society, Incorporated; and

(ii) $3 of each fee into the fund for the enhancement and beautification of the Montgomery County Courthouse and facilities.

(9) (i) In Prince George's County, from the remaining $15, the clerk shall pay $3 of each fee to Prince George's Heritage, Inc.

(ii) Prince George's Heritage, Inc. shall report annually to the Prince George's County Executive and the Maryland Historical Trust on the use of all funds received under this section, including a detailed record of the expenditures and receipts of all funds collected before July 1, 1987.

(iii) The Prince George's County Executive or the Maryland Historical Trust may request at any time an audit of the financial records of Prince George's Heritage, Inc.

(10) In Harford County, from the $25 fee for performing a marriage ceremony, the clerk shall pay $20 of each fee to the Historical Society of Harford County, Inc.

(b) (1) A clerk or deputy clerk may not violate any provision of this section.

(2) A clerk or deputy clerk who violates the provisions of this section is guilty of neglect of duty and on conviction is subject to removal from office.

§2–501.

Each clerk shall keep in the clerk's office a marriage license book, which shall contain:

(1) a complete record of each license issued;

(2) a complete record of all matters the clerk is required to ascertain that relate to the rights of an individual to obtain a license;

(3) in regular order, the items testified to by the applicants for a license as required under this title;

(4) properly indexed, the name of each individual who intends to be married; and

(5) the date each certificate was filed and the name of the authorized official who performed the ceremony.

§2–502.

(a) In this section, "foreign marriage" means a marriage ceremony:

(1) performed outside this State; and

(2) in which 1 or both of the parties were or are citizens of this State.

(b) Each clerk shall keep a foreign marriage record book in the clerk's office. The clerk shall record a foreign marriage when presented with either:

(1) a certificate of marriage signed by the individual who performed the

marriage ceremony; or

(2) an official certified copy of a marriage record.

(c) On request, the clerk shall provide, under the seal of the court, certification of a foreign marriage in the same manner as the clerk issues certification of a marriage ceremony performed in this State.

§2–503.

(a) At the intervals that the Secretary of Health and Mental Hygiene sets, each clerk shall send to the Secretary:

(1) a copy of the record of each marriage that the clerk licenses and records;

(2) a report of each divorce that the court grants;

(3) a report of each annulment of a marriage that the court:

(i) grants; or

(ii) effects by entering a conviction of bigamy or of marrying within any prohibited degree; and

(4) a report of any change in a marriage, divorce, or annulment record, in which the clerk shall certify that the change is correct and conforms to the corresponding record of the clerk.

(b) The report of a divorce or annulment or of a change in a marriage, divorce, or annulment record shall be made on the form that the Secretary of Health and Mental Hygiene provides.

(c) (1) The Secretary of Health and Mental Hygiene may make photostatic, photographic, or microphotographic copies of the original marriage records of a clerk.

(2) The Secretary of Health and Mental Hygiene may not remove any original marriage record from the custody of the clerk.

(3) The Secretary of Health and Mental Hygiene shall:

(i) make the copies in a manner that does not interfere with the orderly transaction of business by the clerk; and

(ii) bear the cost of making the copies.

(d) The clerk may not receive any extra compensation for sending a report or record to the Secretary or for making records available to the Secretary.

(e) A clerk who violates any provision of this section is guilty of a misdemeanor

and on conviction is subject to a fine of $10 for each offense.

§3–101.

This title is remedial and shall be construed liberally to accomplish its purpose.

§3–102.

(a) Unless the individual is pregnant, an individual:

(1) has no cause of action for breach of promise to marry; and

(2) may not bring an action for breach of promise to marry regardless of where the cause of action arose.

(b) In an action for damages for breach of promise to marry, a judgment for the plaintiff may not be entered on the uncorroborated testimony of the plaintiff.

§3–103.

(a) An individual has no cause of action for alienation of affections.

(b) An individual may not bring an action for alienation of affections regardless of where the cause of action arose.

§3–104.

(a) A contract for payment or settlement of a claim abolished or prohibited by this title is void and unenforceable.

(b) A holder in due course may enforce a negotiable instrument for payment or settlement of a claim prohibited by this title.

§4–101.

In this title, "Secretary" means the Secretary of Human Resources.

§4–201.

(a) A spouse may have a domicile that is different from the domicile of the other spouse.

(b) The domicile of each spouse shall be determined by the same factors used to determine the domicile of any individual who is capable of having an independent domicile.

§4–202.

A surviving spouse who brings a personal action to recover in right of the deceased

spouse shall allege:

(1) specifically how the debt or right accrued to the deceased spouse; and

(2) stating further that, by marriage, the debt or right devolved on the surviving spouse.

§4–203.

(a) A married woman, as if she were unmarried:

(1) holds her property for her separate use; and

(2) may dispose of her property independently.

(b) (1) A married woman may appoint by deed or may petition an equity court to appoint a trustee to hold, use, or dispose of the property on behalf of the married woman.

(2) The court shall state in the appointment the powers of the trustee.

§4–204.

A married woman may do any of the following, as if she were unmarried:

(1) engage in a business;

(2) make a contract with any person, including her husband, whether or not she is engaged in business;

(3) bind herself and her assigns by a covenant running with or related to real property or chattels real deeded to her on or after March 19, 1867;

(4) form a partnership with any person, including her husband;

(5) sue on any contract, including a contract made with her husband;

(6) sue for the recovery, security, or protection of her property;

(7) sue for any tort committed against her; and

(8) appoint counsel to represent her in an action brought under § 4-205(b) or (c) or § 4-301(b) of this title.

§4–205.

(a) A husband may sue his wife on a contract made with her, as if she were unmarried.

(b) (1) A third person may take any of the following actions with or against a married woman, as if the married woman were unmarried:

(i) make a contract;

(ii) sue on the contract, whether the contract was made before or during the woman's marriage;

(iii) sue for a tort, whether the woman committed the tort before or during her marriage; and

(iv) execute on a judgment.

(2) A third person may maintain an action at law or in equity against a married woman in her married name.

(c) If the rent is in arrears under a lease entered into with a married woman for a definite term or a term of years renewable forever, then, as if the woman were unmarried, the landlord may levy on goods under distress.

(d) (1) A depositary that returns to a married woman money she deposited before or during her marriage is validly discharged from any obligation concerning the money by a receipt from the woman.

(2) If the deposit was made in fraud of the husband's creditors, a creditor of the husband may attach or, by injunction, restrain the payment of the money.

§4–206.

(a) Whenever any interest or estate of any kind in any property, real, personal, or mixed, within this State, has been or is sold, conveyed, assigned, mortgaged, leased, transferred, or delivered by a husband, directly or indirectly, to his wife, and has been or subsequently is sold, conveyed, assigned, mortgaged, leased, transferred, or delivered by the wife and husband during their marriage, or by the wife after the marriage ends, or has been or subsequently is devised or bequeathed by the wife during the marriage or after the marriage ends, the fact of the previous sale, conveyance, assignment, mortgage, lease, or delivery by the husband, directly or indirectly to his wife, shall not be considered or taken at law or in equity to have given, preserved, or reserved, nor to give, preserve, or reserve to any present creditor of the husband, because of any debt, obligation, claim, or demand whatsoever, any other or greater right, lien, or cause of action against the interest or estate, or against any third person or the person's heirs, executors, administrators, or assigns, than the creditors would have had in case the interest or estate had been sold, conveyed, assigned, mortgaged, leased, transferred, delivered, devised, or bequeathed by the husband directly or indirectly to the third person.

(b) The fact of the previous sale, conveyance, assignment, mortgage, lease, or delivery by the husband, directly or indirectly, to his wife, or the recital of it, in any

instrument of writing, shall not be considered or taken at law or in equity to give or impart, nor to have given or imparted, notice to any third person or the person's heirs, executors, administrators, or assigns, of the existence or of the possibility or probability of the existence of any present creditor of the husband.

§4–301.

(a) (1) An individual is not liable for:

(i) any debt contracted by the individual's spouse before the marriage; or

(ii) any claim or demand against the spouse that arose before the marriage.

(2) The debtor spouse and that spouse's property are liable for the debt as if the marriage had not occurred.

(b) A husband is not liable:

(1) for a tort that is committed:

(i) separately by his wife; and

(ii) without his participation or sanction; or

(2) on a contract made by his wife in her own name and on her own responsibility.

(c) A judgment or decree in a proceeding under § 4-205(b) of this title shall:

(1) be passed against the wife only; and

(2) operate only on the property she owned individually before or after the marriage.

(d) (1) Except as provided in paragraph (2) of this subsection, the property that a woman owns at the time of her marriage, or acquires after her marriage, is not liable for the payment of her husband's debts.

(2) (i) A transfer of property between spouses is invalid if made in prejudice of the rights of present creditors.

(ii) A claim under this paragraph shall be asserted within 3 years after the transfer or be barred absolutely.

(iii) For purposes of this paragraph, all claims are considered due and matured.

§4–401.

The General Assembly declares:

(1) that it is the policy of this State to promote family stability, to preserve family unity, and to help families achieve and maintain self-reliance by:

(i) responding to financial and family crisis through direct provision of family counseling and supportive services; and

(ii) referral to appropriate community resources; and

(2) this State has the responsibility to provide services that prevent the kind of family dissolution and breakdown that requires protective services or out-of-home placement.

§4–402.

(a) (1) To implement the policies set forth in this subtitle, the Secretary shall establish in each local department a program of services to families with children.

(2) The program shall be available to:

(i) those families who are receiving temporary cash assistance or Supplemental Security Income; and

(ii) those families whose gross income is 80% or less of this State's median income adjusted for family size in accordance with regulations adopted by the Social Services Administration.

(b) For purposes of this subtitle, services to families with children are:

(1) functional services to help a family resolve a situational crisis brought on by catastrophe, deprivation of income, lack of shelter, physical illness, mental illness, death, desertion, or abandonment;

(2) family counseling:

(i) to resolve marital conflict, familial conflict, and parent-child relationship problems; and

(ii) to teach child care and development and parenting skills;

(3) information and referral services to teach families how to locate and use community services, including health care services; and

(4) home management services to teach the management of household duties and responsibilities, including budgeting skills.

§4–403.

(a) The Department of Human Resources shall continue to develop and maintain a program to carry out the purposes of this subtitle in each local department.

(b) In implementing the program, the Department of Human Resources shall:

(1) adopt, by regulation, guidelines for implementing the program in each local department;

(2) continuously monitor and evaluate the effectiveness of the program; and

(3) to the extent possible, coordinate for families with children the delivery of child care, health, educational, mental health, employment, housing, and crisis services provided by public and private agencies.

§4–501.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Abuse" means any of the following acts:

(i) an act that causes serious bodily harm;

(ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;

(iii) assault in any degree;

(iv) rape or sexual offense under §§ 3–303 through 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

(v) false imprisonment; or

(vi) stalking under § 3–802 of the Criminal Law Article.

(2) If the person for whom relief is sought is a child, "abuse" may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article. Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.

(3) If the person for whom relief is sought is a vulnerable adult, "abuse" may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

(c) "Child care provider" means a person that provides supervision and care for a minor child.

(d) "Cohabitant" means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within 1 year before the filing of the petition.

(e) "Commissioner" means a District Court Commissioner appointed in accordance with Article IV, § 41G of the Maryland Constitution.

(f) "Court" means the District Court or a circuit court in this State.

(g) "Emergency family maintenance" means a monetary award given to or for a person eligible for relief to whom the respondent has a duty of support under this article based on:

(1) the financial needs of the person eligible for relief; and

(2) the resources available to the person eligible for relief and the respondent.

(h) "Executive Director" means the Executive Director of the Governor's Office of Crime Control and Prevention.

(i) "Final protective order" means a protective order issued under § 4–506 of this subtitle.

(j) "Home" means the property in this State that:

(1) is the principal residence of a person eligible for relief; and

(2) is owned, rented, or leased by the person eligible for relief or respondent or, in a petition alleging child abuse or abuse of a vulnerable adult, an adult living in the home at the time of a proceeding under this subtitle.

(k) "Interim protective order" means an order that a Commissioner issues under this subtitle pending a hearing by a judge on a petition.

(l) "Local department" means the local department that has jurisdiction in the county:

(1) where the home is located; or

(2) if different, where the abuse is alleged to have taken place.

(m) "Person eligible for relief" includes:

(1) the current or former spouse of the respondent;

(2) a cohabitant of the respondent;

(3) a person related to the respondent by blood, marriage, or adoption;

(4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;

(5) a vulnerable adult; or

(6) an individual who has a child in common with the respondent.

(n) (1) "Pet" means a domesticated animal.

(2) "Pet" does not include livestock.

(o) (1) "Petitioner" means an individual who files a petition.

(2) "Petitioner" includes:

(i) a person eligible for relief; or

(ii) the following persons who may seek relief from abuse on behalf of a minor or vulnerable adult:

1. the State's Attorney for the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

2. the department of social services that has jurisdiction in the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

3. a person related to the child or vulnerable adult by blood, marriage, or adoption; or

4. an adult who resides in the home.

(p) "Residence" includes the yard, grounds, outbuildings, and common areas surrounding the residence.

(q) "Respondent" means the person alleged in the petition to have committed the abuse.

(r) "Temporary protective order" means a protective order issued under § 4–505 of this subtitle.

(s) "Victim" includes a person eligible for relief.

(t) "Vulnerable adult" has the meaning provided in § 14–101(q) of this article.

§4–502.

(a) (1) Any person who alleges to have been a victim of abuse and who believes

there is a danger of serious and immediate personal harm may request the help of a local law enforcement unit.

(2) A local law enforcement officer who responds to the request for help shall:

(i) protect the person from harm when responding to the request; and

(ii) accompany the person to the family home so that the person may remove the following items, regardless of who paid for the items:

1. the personal clothing of the person and of any child in the care of the person; and

2. the personal effects, including medicine or medical devices, of the person and of any child in the care of the person that the person or child needs immediately.

(b) A law enforcement officer who responds to a request described in subsection (a) of this section has the immunity from liability described under § 5-610 of the Courts Article.

§4–503.

(a) A law enforcement officer who responds to a request for help under § 4–502 of this Part I of this subtitle shall give the victim a written notice that:

(1) includes the telephone number of a local domestic violence program that receives funding from the Governor's Office of Crime Control and Prevention; and

(2) states that:

(i) the victim may request that a District Court commissioner file a criminal charging document against the alleged abuser;

(ii) if the commissioner declines to charge the alleged abuser, the victim may request that the State's Attorney file a criminal charging document against the alleged abuser;

(iii) the victim may file in the District Court or a circuit court or, when neither the office of the clerk of the circuit court nor the Office of the District Court Clerk is open, with a commissioner, a petition under this subtitle; and

(iv) the victim may obtain a copy of the incident report, as provided under § 4–503.1 of this Part I of this subtitle.

(b) A law enforcement officer may not be held liable in a civil action that arises

from the officer's failure to provide the notice required under subsection (a) of this section.

§4–503.1.

(a) If an incident report is filed when a law enforcement officer responds to a request for help under § 4–502 of this Part I of this subtitle, the law enforcement unit shall provide a copy of the report to the victim on request.

(b) The victim need not obtain a subpoena to receive a copy of the incident report.

§4–504. IN EFFECT

(a) A petitioner may seek relief from abuse by filing with a court, or with a commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a petition that alleges abuse of any person eligible for relief by the respondent.

(b) (1) The petition shall:

(i) be under oath; and

(ii) include any information known to the petitioner of:

1. the nature and extent of the abuse for which the relief is being sought, including information known to the petitioner concerning previous injury resulting from abuse by the respondent;

2. each previous action between the parties in any court;

3. each pending action between the parties in any court;

4. the whereabouts of the respondent, if known;

5. if financial relief is requested, information known to the petitioner regarding the financial resources of the respondent; and

6. in a case of alleged child abuse or alleged abuse of a vulnerable adult, the whereabouts of the child or vulnerable adult and any other information relating to the abuse of the child or vulnerable adult.

(2) If the petition states that disclosure of the address of a person eligible for relief would risk further abuse of a person eligible for relief, or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with a commissioner or filed with, or transferred to, a court. If disclosure is necessary to determine jurisdiction or consider any venue issue, it shall be made orally and in camera and may not be disclosed to the respondent.

(c) The petitioner may not be required to pay a filing fee or costs for the issuance

or service of:

(1) an interim protective order;

(2) a temporary protective order;

(3) a final protective order; or

(4) a witness subpoena.

(d) (1) If a petitioner has requested notification of the service of a protective order, the Department of Public Safety and Correctional Services shall:

(i) notify the petitioner of the service on the respondent of an interim or a temporary protective order within one hour after a law enforcement officer electronically notifies the Department of Public Safety and Correctional Services of the service; and

(ii) notify the petitioner of the service on the respondent of a final protective order within one hour after knowledge of service of the order on the respondent.

(2) The Department of Public Safety and Correctional Services shall develop a notification request form and procedures for notification under this subsection.

(3) The court clerk or Commissioner shall provide the notification request form to a petitioner.

4–504. // EFFECTIVE DECEMBER 31, 2016 PER CHAPTER 79 OF 2013 //

(a) A petitioner may seek relief from abuse by filing with a court, or with a commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a petition that alleges abuse of any person eligible for relief by the respondent.

(b) (1) The petition shall:

(i) be under oath; and

(ii) include any information known to the petitioner of:

1. the nature and extent of the abuse for which the relief is being sought, including information known to the petitioner concerning previous injury resulting from abuse by the respondent;

2. each previous action between the parties in any court;

3. each pending action between the parties in any court;

4. the whereabouts of the respondent, if known;

5. if financial relief is requested, information known to the petitioner regarding the financial resources of the respondent; and

6. in a case of alleged child abuse or alleged abuse of a vulnerable adult, the whereabouts of the child or vulnerable adult and any other information relating to the abuse of the child or vulnerable adult.

(2) If the petition states that disclosure of the address of a person eligible for relief would risk further abuse of a person eligible for relief, or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with a commissioner or filed with, or transferred to, a court. If disclosure is necessary to determine jurisdiction or consider any venue issue, it shall be made orally and in camera and may not be disclosed to the respondent.

(c) The petitioner may not be required to pay a filing fee or costs for the issuance or service of:

(1) an interim protective order;

(2) a temporary protective order;

(3) a final protective order; or

(4) a witness subpoena.

§4–504.1. IN EFFECT

(a) A petition under this subtitle may be filed with a commissioner when neither the office of the clerk of the circuit court nor the Office of the District Court Clerk is open for business.

(b) If a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has abused a person eligible for relief, the commissioner may issue an interim protective order to protect a person eligible for relief.

(c) An interim protective order may:

(1) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing a person eligible for relief;

(3) order the respondent to refrain from entering the residence of a person eligible for relief;

(4) if a person eligible for relief and the respondent are residing together at the time of the alleged abuse:

(i) order the respondent to vacate the home immediately;

(ii) award to a person eligible for relief custody of any child of the person eligible for relief and respondent then residing in the home; and

(iii) subject to the limits as to a nonspouse specified in § 4–505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to the person eligible for relief;

(5) in a case alleging abuse of a child, award temporary custody of a minor child of the respondent and a person eligible for relief;

(6) in a case alleging abuse of a vulnerable adult, subject to the limits as to a nonspouse specified in § 4–505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to an adult living in the home;

(7) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief;

(8) order the respondent to remain away from the residence of any family member of a person eligible for relief; or

(9) award temporary possession of any pet of the person eligible for relief or the respondent.

(d) If the commissioner awards temporary custody of a minor child under subsection (c)(4)(ii) or (5) of this section, the commissioner may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent after service of the interim protective order.

(e) (1) (i) An interim protective order shall state the date, time, and location for the temporary protective order hearing and a tentative date, time, and location for a final protective order hearing.

(ii) Except as provided in subsection (h) of this section, or unless the judge continues the hearing for good cause, a temporary protective order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim protective order.

(2) An interim protective order shall include in at least 10–point bold type:

(i) notice to the respondent that:

1. the respondent must give the court written notice of each change of address;

2. if the respondent fails to appear at the temporary protective order hearing or any later hearing, the respondent may be served with any orders or notices in the case by first–class mail at the respondent's last known address;

3. the date, time, and location of the final protective order hearing is tentative only, and subject to change; and

4. if the respondent does not attend the temporary protective order hearing, the respondent may call the Office of the Clerk of the District Court at the number provided in the order to find out the actual date, time, and location of any final protective order hearing;

(ii) a statement of all possible forms and duration of relief that a temporary protective order or final protective order may contain;

(iii) notice to the petitioner and respondent that, at the hearing, a judge may issue a temporary protective order that grants any or all of the relief requested in the petition or may deny the petition, whether or not the respondent is in court;

(iv) a warning to the respondent that violation of an interim protective order is a crime and that a law enforcement officer shall arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated any provision of the interim protective order; and

(v) the phone number of the Office of the District Court Clerk.

(f) Whenever a commissioner issues an interim protective order, the commissioner shall:

(1) immediately forward a copy of the petition and interim protective order to the appropriate law enforcement agency for service on the respondent; and

(2) before the hearing scheduled in the interim protective order, transfer the case file and the return of service, if any, to the Office of the District Court Clerk.

(g) A law enforcement officer shall:

(1) immediately on receipt of a petition and interim protective order, serve them on the respondent named in the order;

(2) immediately after service, make a return of service to the commissioner's office or, if the Office of the District Court Clerk is open for business, to the Clerk; and

(3) within two hours after service of the order on the respondent, electronically notify the Department of Public Safety and Correctional Services of the

service.

(h) (1) Except as otherwise provided in this subsection, an interim protective order shall be effective until the earlier of:

(i) the temporary protective order hearing under § 4–505 of this subtitle; or

(ii) the end of the second business day the Office of the Clerk of the District Court is open following the issuance of an interim protective order.

(2) If the court is closed on the day on which the interim protective order is due to expire, the interim protective order shall be effective until the next day on which the court is open, at which time the court shall hold a temporary protective order hearing.

(i) A decision of a commissioner to grant or deny relief under this section is not binding on, and does not affect any power granted to or duty imposed on, a judge of a circuit court or the District Court under any law, including any power to grant or deny a petition for a temporary protective order or final protective order.

4–504.1. // EFFECTIVE DECEMBER 31, 2016 PER CHAPTER 79 OF 2013 //

(a) A petition under this subtitle may be filed with a commissioner when neither the office of the clerk of the circuit court nor the Office of the District Court Clerk is open for business.

(b) If a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has abused a person eligible for relief, the commissioner may issue an interim protective order to protect a person eligible for relief.

(c) An interim protective order may:

(1) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing a person eligible for relief;

(3) order the respondent to refrain from entering the residence of a person eligible for relief;

(4) if a person eligible for relief and the respondent are residing together at the time of the alleged abuse:

(i) order the respondent to vacate the home immediately;

(ii) award to a person eligible for relief custody of any child of the person eligible for relief and respondent then residing in the home; and

(iii) subject to the limits as to a nonspouse specified in § 4–505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to the person eligible for relief;

(5) in a case alleging abuse of a child, award temporary custody of a minor child of the respondent and a person eligible for relief;

(6) in a case alleging abuse of a vulnerable adult, subject to the limits as to a nonspouse specified in § 4–505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to an adult living in the home;

(7) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief;

(8) order the respondent to remain away from the residence of any family member of a person eligible for relief; or

(9) award temporary possession of any pet of the person eligible for relief or the respondent.

(d) If the commissioner awards temporary custody of a minor child under subsection (c)(4)(ii) or (5) of this section, the commissioner may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent after service of the interim protective order.

(e) (1) (i) An interim protective order shall state the date, time, and location for the temporary protective order hearing and a tentative date, time, and location for a final protective order hearing.

(ii) Except as provided in subsection (h) of this section, or unless the judge continues the hearing for good cause, a temporary protective order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim protective order.

(2) An interim protective order shall include in at least 10–point bold type:

(i) notice to the respondent that:

1. the respondent must give the court written notice of each change of address;

2. if the respondent fails to appear at the temporary protective order hearing or any later hearing, the respondent may be served with any orders or notices in the case by first–class mail at the respondent's last known address;

3. the date, time, and location of the final protective order hearing is tentative only, and subject to change; and

4. if the respondent does not attend the temporary protective order hearing, the respondent may call the Office of the Clerk of the District Court at the number provided in the order to find out the actual date, time, and location of any final protective order hearing;

(ii) a statement of all possible forms and duration of relief that a temporary protective order or final protective order may contain;

(iii) notice to the petitioner and respondent that, at the hearing, a judge may issue a temporary protective order that grants any or all of the relief requested in the petition or may deny the petition, whether or not the respondent is in court;

(iv) a warning to the respondent that violation of an interim protective order is a crime and that a law enforcement officer shall arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated any provision of the interim protective order; and

(v) the phone number of the Office of the District Court Clerk.

(f) Whenever a commissioner issues an interim protective order, the commissioner shall:

(1) immediately forward a copy of the petition and interim protective order to the appropriate law enforcement agency for service on the respondent; and

(2) before the hearing scheduled in the interim protective order, transfer the case file and the return of service, if any, to the Office of the District Court Clerk.

(g) A law enforcement officer shall:

(1) immediately on receipt of a petition and interim protective order, serve them on the respondent named in the order; and

(2) immediately after service, make a return of service to the commissioner's office or, if the Office of the District Court Clerk is open for business, to the Clerk.

(h) (1) Except as otherwise provided in this subsection, an interim protective order shall be effective until the earlier of:

(i) the temporary protective order hearing under § 4–505 of this subtitle; or

(ii) the end of the second business day the Office of the Clerk of the District Court is open following the issuance of an interim protective order.

(2) If the court is closed on the day on which the interim protective order is due to expire, the interim protective order shall be effective until the next day on which the court is open, at which time the court shall hold a temporary protective order hearing.

(i) A decision of a commissioner to grant or deny relief under this section is not binding on, and does not affect any power granted to or duty imposed on, a judge of a circuit court or the District Court under any law, including any power to grant or deny a petition for a temporary protective order or final protective order.

§4–505. IN EFFECT

(a) (1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.

(2) The temporary protective order may order any or all of the following relief:

(i) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;

(ii) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(iii) order the respondent to refrain from entering the residence of a person eligible for relief;

(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(v) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(vi) order the respondent to remain away from a child care provider

of a person eligible for relief while a child of the person is in the care of the child care provider;

(vii) award temporary custody of a minor child of the person eligible for relief and the respondent;

(viii) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:

1. the use of a firearm by the respondent against a person eligible for relief;

2. a threat by the respondent to use a firearm against a person eligible for relief;

3. serious bodily harm to a person eligible for relief caused by the respondent; or

4. a threat by the respondent to cause serious bodily harm to a person eligible for relief; and

(ix) award temporary possession of any pet of the person eligible for relief or the respondent.

(3) If the judge awards temporary custody of a minor child under paragraph (2)(vii) of this subsection, the judge may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent after service of the temporary protective order.

(b) (1) Except as provided in paragraph (2) of this subsection, a law enforcement officer shall:

(i) immediately serve the temporary protective order on the alleged abuser under this section; and

(ii) within two hours after service of the order on the respondent, electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

(2) A respondent who has been served with an interim protective order under § 4–504.1 of this subtitle shall be served with the temporary protective order in open court or, if the respondent is not present at the temporary protective order hearing, by first–class mail at the respondent's last known address.

(3) There shall be no cost to the petitioner for service of the temporary protective order.

(c) (1) Except as otherwise provided in this subsection, the temporary protective order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary protective order as needed, but not to exceed 6 months, to effectuate service of the order where necessary to provide protection or for other good cause.

(3) If the court is closed on the day on which the temporary protective order is due to expire, the temporary protective order shall be effective until the second day on which the court is open, by which time the court shall hold a final protective order hearing.

(d) The judge may proceed with a final protective order hearing instead of a temporary protective order hearing, if:

(1) (i) the respondent appears at the hearing;

(ii) the respondent has been served with an interim protective order; or

(iii) the court otherwise has personal jurisdiction over the respondent; and

(2) the petitioner and the respondent expressly consent to waive the temporary protective order hearing.

(e) (1) Whenever a judge finds reasonable grounds to believe that abuse of a child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward to the local department a copy of the petition and temporary protective order.

(2) Whenever a local department receives a petition and temporary protective order from a court, the local department shall:

(i) investigate the alleged abuse as provided in:

1. Title 5, Subtitle 7 of this article; or

2. Title 14, Subtitle 3 of this article; and

(ii) by the date of the final protective order hearing, send to the court a copy of the report of the investigation.

4–505. // EFFECTIVE DECEMBER 31, 2016 PER CHAPTER 79 OF 2013 //

(a) (1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person

eligible for relief from abuse.

(2) The temporary protective order may order any or all of the following relief:

(i) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;

(ii) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(iii) order the respondent to refrain from entering the residence of a person eligible for relief;

(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(v) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(vi) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;

(vii) award temporary custody of a minor child of the person eligible for relief and the respondent;

(viii) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:

1. the use of a firearm by the respondent against a person eligible for relief;

2. a threat by the respondent to use a firearm against a person eligible for relief;

3. serious bodily harm to a person eligible for relief caused by the respondent; or

4. a threat by the respondent to cause serious bodily harm to a person eligible for relief; and

(ix) award temporary possession of any pet of the person eligible for relief or the respondent.

(3) If the judge awards temporary custody of a minor child under paragraph (2)(vii) of this subsection, the judge may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent after service of the temporary protective order.

(b) (1) Except as provided in paragraph (2) of this subsection, a law enforcement officer immediately shall serve the temporary protective order on the alleged abuser under this section.

(2) A respondent who has been served with an interim protective order under § 4–504.1 of this subtitle shall be served with the temporary protective order in open court or, if the respondent is not present at the temporary protective order hearing, by first–class mail at the respondent's last known address.

(3) There shall be no cost to the petitioner for service of the temporary protective order.

(c) (1) Except as otherwise provided in this subsection, the temporary protective order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary protective order as needed, but not to exceed 6 months, to effectuate service of the order where necessary to provide protection or for other good cause.

(3) If the court is closed on the day on which the temporary protective order is due to expire, the temporary protective order shall be effective until the second day on which the court is open, by which time the court shall hold a final protective order hearing.

(d) The judge may proceed with a final protective order hearing instead of a temporary protective order hearing, if:

(1) (i) the respondent appears at the hearing;

(ii) the respondent has been served with an interim protective order; or

(iii) the court otherwise has personal jurisdiction over the respondent; and

(2) the petitioner and the respondent expressly consent to waive the temporary protective order hearing.

(e) (1) Whenever a judge finds reasonable grounds to believe that abuse of a child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward to the local department a copy of the petition and temporary protective order.

(2) Whenever a local department receives a petition and temporary protective order from a court, the local department shall:

(i) investigate the alleged abuse as provided in:

1. Title 5, Subtitle 7 of this article; or

2. Title 14, Subtitle 3 of this article; and

(ii) by the date of the final protective order hearing, send to the court a copy of the report of the investigation.

§4–506.

(a) A respondent under § 4–505 of this subtitle shall have an opportunity to be heard on the question of whether the judge should issue a final protective order.

(b) (1) (i) The temporary protective order shall state the date and time of the final protective order hearing.

(ii) Except as provided in § 4–505(c) of this subtitle, or unless continued for good cause, the final protective order hearing shall be held no later than 7 days after the temporary protective order is served on the respondent.

(2) The temporary protective order shall include notice to the respondent:

(i) in at least 10–point bold type, that if the respondent fails to appear at the final protective order hearing, the respondent may be served by first–class mail at the respondent's last known address with the final protective order and all other notices concerning the final protective order;

(ii) specifying all the possible forms of relief under subsection (d) of this section that the final protective order may contain;

(iii) that the final protective order shall be effective for the period stated in the order, not to exceed 1 year or, under the circumstances described in subsection (j)(2) of this section, 2 years, unless the judge extends the term of the order under § 4–507(a)(2) of this subtitle or the court issues a permanent order under subsection (k) of this section; and

(iv) in at least 10–point bold type, that the respondent must notify the court in writing of any change of address.

(c) (1) If the respondent appears before the court at a protective order hearing or has been served with an interim or temporary protective order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) may proceed with the final protective order hearing; and

(ii) if the judge finds by a preponderance of the evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

(2) A final protective order may be issued only to a person who has filed a petition under § 4–504 of this subtitle.

(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, in cases where both parties file a petition under § 4–504 of this subtitle, the judge may issue mutual protective orders if the judge finds by a preponderance of the evidence that mutual abuse has occurred.

(ii) The judge may issue mutual final protective orders only if the judge makes a detailed finding of fact that:

1. both parties acted primarily as aggressors; and

2. neither party acted primarily in self–defense.

(d) The final protective order may include any or all of the following relief:

(1) order the respondent to refrain from abusing or threatening to abuse any person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(3) order the respondent to refrain from entering the residence of any person eligible for relief;

(4) where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(5) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(6) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;

(7) award temporary custody of a minor child of the respondent and a person eligible for relief;

(8) establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief;

(9) award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

(10) award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the employment of the person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief;

(11) direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program;

(12) order the respondent to pay filing fees and costs of a proceeding under this subtitle; or

(13) award temporary possession of any pet of the person eligible for relief or the respondent.

(e) (1) Before granting, denying, or modifying a final protective order under this section, the court shall review all open and shielded court records involving the person eligible for relief and the respondent, including records of proceedings under:

(i) the Criminal Law Article;

(ii) Title 3, Subtitle 15 of the Courts Article; and

(iii) this article.

(2) The court's failure to review records under this subsection does not affect the validity of an order issued under this section.

(f) The final protective order shall order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the protective order.

(g) If the judge awards temporary custody of a minor child under subsection (d)(7) of this section, the judge may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent after service of the final protective order.

(h) In determining whether to order the respondent to vacate the home under § 4–505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the judge shall consider the following factors:

(1) the housing needs of any minor child living in the home;

(2) the duration of the relationship between the respondent and any person eligible for relief;

(3) title to the home;

(4) pendency and type of criminal charges against the respondent;

(5) the history and severity of abuse in the relationship between the respondent and any person eligible for relief;

(6) the existence of alternative housing for the respondent and any person eligible for relief; and

(7) the financial resources of the respondent and the person eligible for relief.

(i) (1) A copy of the final protective order shall be served on the petitioner, the respondent, any affected person eligible for relief, the appropriate law enforcement agency, and any other person the judge determines is appropriate, in open court or, if the person is not present at the final protective order hearing, by first–class mail to the person's last known address.

(2) A copy of the final protective order served on the respondent in accordance with paragraph (1) of this subsection constitutes actual notice to the respondent of the contents of the final protective order. Service is complete upon mailing.

(j) (1) Except as provided in paragraphs (2) and (3) of this subsection, all relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 1 year.

(2) All relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 2 years if:

(i) the court issues a final protective order under this section against a respondent on behalf of a person eligible for relief for an act of abuse committed within 1 year after the date that a prior final protective order issued against the same respondent on behalf of the same person eligible for relief expires; and

(ii) the prior final protective order was issued for a period of at least 6 months.

(3) A subsequent circuit court order pertaining to any of the provisions included in the final protective order shall supersede those provisions in the final protective order.

(k) (1) Notwithstanding any other provision of this section, the court shall issue a new final protective order against an individual if:

(i) the individual was previously a respondent under this subtitle against whom a final protective order was issued;

(ii) the individual was convicted and sentenced to serve a term of imprisonment of at least 5 years under § 2–205, § 2–206, § 3–202, § 3–203, § 3–303, § 3–304, § 3–305, § 3–306, § 3–309, § 3–310, § 3–311, or § 3–312 of the Criminal Law Article for the act of abuse that led to the issuance of the final protective order and has served at least 12 months of the sentence; and

(iii) the victim of the abuse who was the person eligible for relief in the original final protective order requests the issuance of a new final protective order.

(2) In a final protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under subsection (d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a final protective order issued under this subsection shall be permanent.

§4–506.1.

(a) If a respondent surrenders a firearm under § 4–505 or § 4–506 of this subtitle, a law enforcement officer shall:

(1) provide to the respondent information on the process for retaking possession of the firearm; and

(2) transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect.

(b) (1) The respondent may retake possession of the firearm at the expiration of a temporary protective order unless:

(i) the respondent is ordered to surrender the firearm in a protective order issued under § 4–506 of this subtitle; or

(ii) the respondent is not otherwise legally entitled to own or possess the firearm.

(2) The respondent may retake possession of the firearm at the expiration of a final protective order unless:

(i) the protective order is extended under § 4–507(a)(2) of this subtitle; or

(ii) the respondent is not otherwise legally entitled to own or possess the firearm.

(c) Notwithstanding any other law, a respondent may transport a firearm if the respondent is carrying a protective order requiring the surrender of the firearm and:

(1) the firearm is unloaded;

(2) the respondent has notified the law enforcement unit, barracks, or station that the firearm is being transported in accordance with the protective order; and

(3) the respondent transports the firearm directly to the law enforcement unit, barracks, or station.

§4–507.

(a) (1) A protective order may be modified or rescinded during the term of the protective order after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

(2) For good cause shown, a judge may extend the term of the protective order for 6 months beyond the period specified in § 4–506(j) of this subtitle, after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

(3) (i) If, during the term of a protective order, a judge finds by a

preponderance of the evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective order, the judge may extend the term of the protective order for a period not to exceed 2 years from the date the extension is granted, after:

1. giving notice to all affected persons eligible for relief and the respondent; and

2. a hearing.

(ii) In determining the period of extension of a protective order under subparagraph (i) of this paragraph, the judge shall consider the following factors:

1. the nature and severity of the subsequent act of abuse;

2. the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order;

3. the pendency and type of criminal charges against the respondent; and

4. the nature and extent of the injury or risk of injury caused by the respondent.

(4) (i) If, during the term of a final protective order, a petitioner or person eligible for relief files a motion to extend the term of the order under paragraph (2) or (3) of this subsection, the court shall hold a hearing on the motion within 30 days after the motion is filed.

(ii) If the hearing on the motion is scheduled after the original expiration date of the final protective order, the court shall extend the order and keep the terms of the order in full force and effect until the hearing on the motion.

(b) (1) If a District Court judge grants or denies relief under a petition filed under this subtitle, a respondent, any person eligible for relief, or a petitioner may appeal to the circuit court for the county where the District Court is located.

(2) An appeal taken under this subsection to the circuit court shall be heard de novo in the circuit court.

(3) If an appeal is filed under this subsection, the District Court judgment shall remain in effect until superseded by a judgment of the circuit court. Unless the circuit court orders otherwise, modification or enforcement of the District Court order shall be by the District Court.

§4–508.

(a) An interim protective order, temporary protective order, and final protective order issued under this subtitle shall state that a violation of the order may result in:

(1) criminal prosecution; and

(2) imprisonment or fine or both.

(b) A temporary protective order and final protective order issued under this subtitle shall state that a violation of the order may result in a finding of contempt.

§4–508.1.

(a) (1) In this section, "order for protection" means a temporary or final order or injunction that:

(i) is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;

(ii) is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and

(iii) is obtained by filing an independent action or as a pendente lite order in another proceeding.

(2) "Order for protection" does not include a support or child custody order.

(b) An order for protection issued by a court of another state or a Native American tribe shall be accorded full faith and credit by a court of this State and shall be enforced:

(1) in the case of an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-505 of this subtitle; and

(2) in the case of an order for protection, other than an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-506(d) of this subtitle.

(c) A law enforcement officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:

(1) has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the order; or

(2) displays or presents to the law enforcement officer a copy of the order that appears valid on its face.

(d) A law enforcement officer acting in accordance with this section shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner.

§4–509.

(a) A person who fails to comply with the relief granted in an interim protective order under § 4–504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a temporary protective order under § 4–505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this subtitle, or a final protective order under § 4–506(d)(1), (2), (3), (4), or (5), or (f) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:

(1) for a first offense, a fine not exceeding $1,000 or imprisonment not exceeding 90 days or both; and

(2) for a second or subsequent offense, a fine not exceeding $2,500 or imprisonment not exceeding 1 year or both.

(b) For the purpose of second or subsequent offender penalties provided under subsection (a)(2) of this section, a prior conviction under § 3–1508 of the Courts Article shall be considered a conviction under this section.

(c) An officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation.

§4–510.

(a) Except as provided in subsection (b) of this section, by proceeding under this subtitle, a petitioner, including a petitioner who acts on behalf of a child or vulnerable adult, is not limited to or precluded from pursuing any other legal remedy.

(b) A person eligible for relief, as defined in § 4-501 of this subtitle, is not eligible for peace order relief under Title 3, Subtitle 8A or Subtitle 15 of the Courts Article.

§4–511.

(a) When responding to the scene of an alleged act of domestic violence, as described in this subtitle, a law enforcement officer may remove a firearm from the scene if:

(1) the law enforcement officer has probable cause to believe that an act of domestic violence has occurred; and

(2) the law enforcement officer has observed the firearm on the scene

during the response.

(b) If a firearm is removed from the scene under subsection (a) of this section, the law enforcement officer shall:

(1) provide to the owner of the firearm information on the process for retaking possession of the firearm; and

(2) provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic violence.

(c) At the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under § 4-506 of this subtitle.

§4–512.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Court record" means an official record of a court about a proceeding that the clerk of a court or other court personnel keeps.

(ii) "Court record" includes:

1. an index, a docket entry, a petition, a memorandum, a transcription of proceedings, an electronic recording, an order, and a judgment; and

2. any electronic information about a proceeding on the website maintained by the Maryland Judiciary.

(3) "Shield" means to remove information from public inspection in accordance with this section.

(4) "Shielding" means:

(i) with respect to a record kept in a courthouse, removing the record to a separate secure area to which persons who do not have a legitimate reason for access are denied access; and

(ii) with respect to electronic information about a proceeding on the website maintained by the Maryland Judiciary, completely removing all information concerning the proceeding from the public Web site, including the names of the parties, case numbers, and any reference to the proceeding or any reference to the removal of the proceeding from the public Web site.

(5) "Victim services provider" means a nonprofit or governmental organization that has been authorized by the Governor's Office of Crime Control and Prevention to have online access to records of shielded protective orders in order to

assist victims of abuse.

(b) (1) Subject to subsection (c) of this section, if a petition filed under this subtitle was denied or dismissed at the interim, temporary, or final protective order stage of a proceeding under this subtitle, the petitioner or the respondent may file a written request to shield all court records relating to the proceeding in accordance with subsection (d) of this section.

(2) Subject to subsection (c) of this section, if the respondent consented to the entry of a protective order under this subtitle, the petitioner or the respondent may file a written request to shield all court records relating to the proceeding in accordance with subsection (e) of this section.

(c) A request for shielding under this section may not be filed within 3 years after the denial or dismissal of the petition or the consent to the entry of the protective order, unless the requesting party files with the request a general waiver and release of all the party's tort claims related to the proceeding under this subtitle.

(d) (1) If a petition was denied or dismissed at the interim, temporary, or final protective order stage of a proceeding under this subtitle, on the filing of a written request for shielding under this section, the court shall schedule a hearing on the request.

(2) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(3) Except as provided in paragraphs (4) and (5) of this subsection, after the hearing, the court shall order the shielding of all court records relating to the proceeding if the court finds:

(i) that the petition was denied or dismissed at the interim, temporary, or final protective order stage of the proceeding;

(ii) that a final protective order or peace order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;

(iii) that the respondent has not been found guilty of a crime arising from abuse against the petitioner; and

(iv) that none of the following are pending at the time of the hearing:

1. an interim or temporary protective order or peace order issued against the respondent in a proceeding between the petitioner and the respondent; or

2. a criminal charge against the respondent arising from alleged abuse against the petitioner.

(4) (i) On its own motion or on the objection of the other party, the court may, for good cause, deny the shielding.

(ii) In determining whether there is good cause under subparagraph (i) of this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and the community.

(5) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(e) (1) (i) If the respondent consented to the entry of a protective order under this subtitle, the petitioner or the respondent may file a written request for shielding at any time after the protective order expires.

(ii) On the filing of a request for shielding under this paragraph, the court shall schedule a hearing on the request.

(iii) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(iv) Except as provided in subparagraph (vi) of this paragraph and subject to subparagraph (v) of this paragraph, after the hearing, the court may order the shielding of all court records relating to the proceeding if the court finds:

1. for cases in which the respondent requests shielding, that the petitioner consents to the shielding;

2. that the respondent did not violate the protective order during its term;

3. that a final peace order or protective order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;

4. that the respondent has not been found guilty of a crime arising from abuse against the petitioner; and

5. that none of the following are pending at the time of the hearing:

A. an interim or temporary peace order or protective order issued against the respondent; or

B. a criminal charge against the respondent arising from alleged abuse against an individual.

(v) In determining whether court records should be shielded under this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and the community.

(vi) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(2) (i) If the respondent consented to the entry of a protective order under this subtitle, but the petitioner did not consent to shielding at the hearing under paragraph (1) of this subsection, the respondent may refile a written request for shielding after 1 year from the date of the hearing under paragraph (1) of this subsection.

(ii) On the filing of a request for shielding under this paragraph, the court shall schedule a hearing on the request.

(iii) The court shall give notice of the hearing to the other party or the other party's counsel of record.

(iv) Except as provided in subparagraph (vi) of this paragraph and subject to subparagraph (v) of this paragraph, after the hearing, the court may order the shielding of all court records relating to the proceeding if the court finds:

1. A. that the petitioner consents to the shielding; or

B. that the petitioner does not consent to the shielding, but that it is unlikely that the respondent will commit an act of abuse against the petitioner in the future;

2. that the respondent did not violate the protective order during its term;

3. that a final peace order or protective order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent;

4. that the respondent has not been found guilty of a crime arising from abuse against the petitioner; and

5. that none of the following are pending at the time of the hearing:

A. an interim or temporary peace order or protective order issued against the respondent; or

B. a criminal charge against the respondent arising from

alleged abuse against an individual.

(v) In determining whether court records should be shielded under this paragraph, the court shall balance the privacy of the petitioner or the respondent and potential danger of adverse consequences to the petitioner or the respondent against the potential risk of future harm and danger to the petitioner and the community.

(vi) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(f) (1) This section does not preclude the following persons from accessing a shielded record for a legitimate reason:

(i) a law enforcement officer;

(ii) an attorney who represents or has represented the petitioner or the respondent in a proceeding;

(iii) a State's Attorney;

(iv) an employee of a local department; or

(v) a victim services provider.

(2) (i) A person not listed in paragraph (1) of this subsection may subpoena, or file a motion for access to, a record shielded under this section.

(ii) If the court finds that the person has a legitimate reason for access, the court may grant the person access to the shielded record under the terms and conditions that the court determines.

(iii) In ruling on a motion under this paragraph, the court shall balance the person's need for access to the record with the petitioner's or the respondent's right to privacy and the potential harm of unwarranted adverse consequences to the petitioner or the respondent that the disclosure may create.

(g) Within 60 days after entry of an order for shielding under this section, each custodian of court records that are subject to the order of shielding shall advise in writing the court and the respondent of compliance with the order.

(h) The Governor's Office of Crime Control and Prevention, in consultation with the Maryland Judiciary, may adopt regulations governing online access to shielded records by a victim services provider.

§4–512.1.

(a) In this section, "Central Repository" means the Domestic Violence Central

Repository.

(b) The Administrative Office of the Courts shall maintain a Domestic Violence Central Repository.

(c) (1) The Central Repository shall store the following domestic violence orders issued in the State:

(i) interim protective orders;

(ii) temporary protective orders;

(iii) final protective orders;

(iv) peace orders issued under Title 3, Subtitle 15 of the Courts Article; and

(v) except as provided in paragraph (2) of this subsection, peace orders issued under Title 3, Subtitle 8A of the Courts Article.

(2) A peace order issued under Title 3, Subtitle 8A of the Courts Article shall be stored only during the term of the peace order.

(d) The purposes of the Central Repository are to:

(1) provide immediate access to domestic violence orders by judges, court personnel, and law enforcement agencies;

(2) improve the courts' ability to respond effectively, promptly, and in a coordinated manner to domestic violence cases;

(3) eliminate conflicting or simultaneous domestic violence orders by improving communication between the District Court and the circuit courts;

(4) enhance the enforceability of domestic violence orders by law enforcement agencies; and

(5) facilitate service of domestic violence orders.

§4–513.

In this Part III and in Part IV of this subtitle, "victim of domestic violence" means an individual who has received deliberate, severe, and demonstrable physical injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury from a current or former spouse, or a current or former cohabitant, as defined in § 4-501 of this subtitle.

§4–514.

The General Assembly finds that:

(1) an increasing number of victims of domestic violence are forced to leave their homes to ensure their life, safety, and welfare;

(2) victims of domestic violence and their children often are economically dependent on the abuser and have no place to live outside the household; and

(3) in the past, these victims of domestic violence have been ignored and, therefore, there is a lack of counseling, service, and quality emergency public or private housing to provide a place to live for these victims of domestic violence and their children.

§4–515.

(a) (1) The Executive Director shall establish a program in the Governor's Office of Crime Control and Prevention to help victims of domestic violence and their children.

(2) The purpose of the program is to provide for victims of domestic violence and their children, in each region of this State:

(i) temporary shelter or help in obtaining shelter;

(ii) counseling;

(iii) information;

(iv) referral; and

(v) rehabilitation.

(b) As a part of the domestic violence program, there shall be, in a major population center of this State, at least 1 program serving the area.

(c) Any program established under this section shall be subject to the following conditions:

(1) the program shall provide victims of domestic violence and their children with a temporary home and necessary counseling;

(2) the Governor's Office of Crime Control and Prevention shall:

(i) supervise the program;

(ii) set standards of care and admission policies;

(iii) monitor the operation of the program and annually evaluate the effectiveness of the program;

(iv) adopt rules and regulations that set fees for services at and govern the operation of each program; and

(v) regularly consult, collaborate with, and consider the recommendations of the federally recognized State domestic violence coalition regarding domestic violence programs and policies, practices, and procedures that impact victims of domestic violence and their children;

(3) the program shall accept from the police or any other referral source in the community any victim of domestic violence and the child of any victim of domestic violence; and

(4) housing may not be provided under this subtitle to an applicant for housing who is not a resident of this State at the time the application for housing is made.

(d) (1) As funds become available, the Executive Director may extend the domestic violence program to other areas in this State.

(2) Expansion of the domestic violence program may include:

(i) establishing additional shelters; or

(ii) providing funds and technical assistance to a local organization or agency that shows that it is able and willing to run a domestic violence program.

§4–516.

(a) Subject to § 2–1246 of the State Government Article, the Executive Director shall submit to the General Assembly a report on the domestic violence program annually.

(b) In addition to receiving funds from the annual budget, the Executive Director shall attempt to secure funding, including in–kind contributions, for the establishment and operation of the domestic violence program from:

(1) the federal government;

(2) local governments; and

(3) private sources.

§4–519.

(a) In this Part IV of this subtitle the following words have the meanings indicated.

(b) "Actual address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a Program participant under this part.

(c) "Disabled person" has the meaning stated in § 13-101 of the Estates and Trusts Article.

(d) "Program" means the Address Confidentiality Program.

(e) "Program participant" means a person designated as a Program participant under this part.

§4–520.

The purpose of this part is to enable:

(1) State and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence;

(2) interagency cooperation in providing address confidentiality for victims of domestic violence; and

(3) State and local agencies to accept a Program participant's use of an address designated by the Office of the Secretary of State as a substitute address.

§4–521.

The Secretary of State shall establish and administer an Address Confidentiality Program for victims of domestic violence.

§4–522.

(a) Any of the following individuals may apply to participate in the Program:

(1) an individual acting on the individual's own behalf;

(2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian; or

(3) a guardian acting on behalf of a disabled person.

(b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:

(1) a statement that:

(i) the applicant is a victim of domestic violence; and

(ii) the applicant fears for the applicant's safety or the safety of the

applicant's child;

(2) evidence that the applicant is a victim of domestic violence, including:

(i) certified law enforcement, court, or other federal or State agency records or files;

(ii) documentation from a domestic violence program; or

(iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of domestic violence;

(3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child;

(4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first-class, certified, or registered mail;

(5) the mailing address and telephone number where the applicant may be contacted by the Secretary of State;

(6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of domestic violence;

(7) a statement as to whether there is any existing court order or pending court action involving the applicant and related to divorce proceedings, child support, child custody, or child visitation, and the court that issued the order or has jurisdiction over the action;

(8) a sworn statement by the applicant that to the best of the applicant's knowledge all of the information contained in the application is true;

(9) the signature of the applicant and the date on which the applicant signed the application; and

(10) a voluntary release and waiver of all future claims against the State for any claim that may arise from participation in the Program except for a claim based on gross negligence.

(c) (1) (i) On the filing of a properly completed application and release, the Secretary of State shall:

1. review the application and release; and

2. if the application and release are properly completed and accurate, designate the applicant as a Program participant.

(ii) An applicant shall be a participant for 4 years from the date of

filing unless the participation is canceled or withdrawn prior to the end of the 4-year period.

(2) A Program participant may withdraw from participation by filing a signed, notarized request for withdrawal with the Secretary of State.

§4–523.

(a) If an applicant falsely attests in an application that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child or knowingly provides false information when applying for participation or renewal of participation in the Program, the applicant shall no longer be allowed to participate in the Program.

(b) A person may not knowingly make a false attestation or knowingly provide false information in an application in violation of subsection (a) of this section.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§4–524.

(a) If a Program participant obtains a legal name change, the Program participant shall notify the Secretary of State within 30 days and provide the Secretary of State with a certified copy of any judgment or order evidencing the change or any other documentation the Secretary of State considers to be sufficient evidence of the change.

(b) If a Program participant makes a change in address or telephone number from an address or telephone number listed on the Program participant's application, the Program participant shall notify the Secretary of State at least 7 days before the change occurs.

§4–525.

(a) The Secretary of State shall cancel the participation of a Program participant if:

(1) the Program participant fails to notify the Secretary of State of any legal name change or change in address or telephone number in the manner required by § 4-524 of this part;

(2) the Program participant files a request for withdrawal of participation under § 4-522(c)(2) of this part;

(3) the Program participant submits false information in applying for participation in the Program in violation of § 4-523 of this part; or

(4) the Secretary of State forwards mail to the Program participant and the mail is returned as undeliverable.

(b) The Secretary of State shall send notice of any cancellation of participation in the Program to the participant and shall set forth the reason for cancellation.

(c) A Program participant may appeal any cancellation decision by filing an appeal with the Secretary of State within 30 days after the date of the notice of cancellation in accordance with procedures developed by the Secretary of State.

(d) An individual who ceases to be a Program participant is responsible for notifying any person who uses the substitute address designated by the Secretary of State that the substitute address is no longer valid.

§4–526.

(a) A Program participant may make a request to any State or local agency to use the substitute address designated by the Secretary of State as the Program participant's address.

(b) Subject to subsection (c) of this section, when a Program participant has made a request to a State or local agency under subsection (a) of this section, the State or local agency shall use the substitute address designated by the Secretary of State as a Program participant's address.

(c) (1) A State or local agency that has a bona fide statutory or administrative requirement for using a Program participant's actual address may apply to the Secretary of State for a waiver from the requirements of the Program.

(2) If the Secretary of State approves the waiver, the State or local agency shall use the Program participant's actual address only for the required statutory or administrative purposes.

§4–527.

(a) (1) Each local board of elections shall use a Program participant's actual address for all election-related purposes.

(2) A Program participant may not use the substitute address designated by the Secretary of State as the Program participant's address for voter registration purposes.

(b) A local board of elections may not make a Program participant's address contained in voter registration records available for public inspection or copying, except:

(1) on request by a law enforcement agency for law enforcement purposes; and

(2) as directed by a court order to disclose the address.

§4–528.

(a) Except as otherwise provided by this part, a Program participant's actual address and telephone number maintained by the Secretary of State or a State or local agency is not a public record within the meaning of § 4–101 of the General Provisions Article.

(b) The Secretary of State may not disclose a Program participant's actual address or telephone number or substitute address, except as provided in subsection (c) of this section and:

(1) (i) on request by a law enforcement agency for law enforcement purposes; and

(ii) as directed by a court order; or

(2) on request by a State or local agency to verify a Program participant's participation in the Program or substitute address for use under § 4-526 of this part.

(c) The Secretary of State shall notify the appropriate court of a Program participant's participation in the Program and of the substitute address designated by the Secretary of State if the Program participant:

(1) is subject to a court order or administrative order;

(2) is involved in a court action or administrative action; or

(3) is a witness or a party in a civil or criminal proceeding.

§4–529.

(a) A person may not knowingly and intentionally obtain a Program participant's actual address or telephone number from the Secretary of State or any agency without authorization to obtain the information.

(b) (1) This subsection applies only when an employee of the Secretary of State:

(i) obtains a Program participant's actual address or telephone number during the course of the employee's official duties; and

(ii) at the time of disclosure, has specific knowledge that the actual address or telephone number belongs to a Program participant.

(2) An employee of the Secretary of State or any agency may not knowingly and intentionally disclose a Program participant's actual address or telephone number to another person unless the disclosure is authorized by law.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500.

§4–530.

The Secretary of State shall adopt regulations to carry out the provisions of this part.

§4–601.

In this subtitle, "displaced homemaker" means an individual who:

(1) is at least 35 years old;

(2) has worked for the individual's family in the family home;

(3) is not gainfully employed;

(4) has had, or would have, difficulty in securing employment; and

(5) has depended on:

(i) the income of a family member and has lost that income as the result of separation, divorce, or the death or disability of that family member; or

(ii) government assistance as the parent of a dependent child and is no longer eligible for that assistance.

§4–602.

(a) The General Assembly finds that:

(1) homemakers have been an insufficiently recognized sector of the work force who make an invaluable contribution to the welfare of the residents of this State; and

(2) there is an ever-increasing number of individuals in this State who:

(i) have fulfilled a role as homemaker;

(ii) in their middle years, because of separation, divorce, or the death or disability of a family member depended on for support, are:

1. displaced homemakers; and

2. without income or with substantially reduced income;

(iii) very often are ineligible for public assistance, unemployment benefits, insurance benefits, and Social Security benefits;

(iv) have the highest unemployment rate of any sector of the work force;

(v) face discrimination in employment because of age and the absence of any recent employment experience;

(vi) often have lost rights as beneficiaries under employers' pension and health plans and other insurance plans; and

(vii) often are unacceptable to private insurance plans because of their age.

(b) In enacting this subtitle, the General Assembly intends to provide to displaced homemakers the counseling, training, employment placement assistance, services, and health care that displaced homemakers need to continue as productive residents of this State.

§4–605.

(a) The Secretary shall establish a multipurpose service center for displaced homemakers.

(b) The center shall be in a location that is accessible to a major population area of this State as determined by the Secretary.

§4–606.

(a) To assist displaced homemakers in becoming gainfully employed, the center shall provide them with:

(1) counseling;

(2) training;

(3) skills;

(4) services; and

(5) education.

(b) To the extent the center has the resources available, the center may also provide these services to persons who are at least 30 years old and:

(1) who satisfy the criteria for displaced homemakers under § 4-601(2), (3), (4), and (5) of this subtitle; or

(2) who have depended on Aid to Families with Dependent Children or temporary cash assistance for at least 24 months.

§4–607.

The center shall provide:

(1) a job counseling program for displaced homemakers that is designed specifically for individuals who are reentering the job market after being absent from the job market for a number of years;

(2) job training programs for jobs that are available in the public and private sectors;

(3) an employment placement program; and

(4) service programs, including:

(i) health services counseling, using existing health services programs;

(ii) money management courses, including information and assistance in dealing with insurance, taxes, mortgages, loans, and probate; and

(iii) information and assistance in dealing with government benefit programs, including supplemental security income, Social Security benefits, Veterans Administration benefits, public assistance, food stamps, and unemployment insurance.

§4–608.

(a) To the greatest extent possible and appropriate, the staff of the center shall consist of displaced homemakers. Staff positions filled by displaced homemakers shall include supervisory, technical, and administrative positions.

(b) If, with additional training or retraining, a displaced homemaker has the potential to be a member of the staff, the individuals who operate the programs of the center shall provide the displaced homemaker with on-the-job training.

§4–609.

The staff of the center shall:

(1) work with local government agencies and private employers to develop job training programs; and

(2) work with federal, State, and local government agencies in the area of the center to assist displaced homemakers in securing permanent employment.

§4–610.

(a) In establishing the center, the Secretary shall explore the availability of and, to the extent available and appropriate, shall use funds and contributions from federal,

local, and private sources, including in-kind contributions of building space, equipment, and qualified personnel for training programs.

(b) The Secretary shall work with federal, State, and local government agencies in the area of the center to assist displaced homemakers in securing permanent employment.

§4–611.

The Secretary shall adopt rules and regulations that govern:

(1) the eligibility of displaced homemakers for the programs of the center;

(2) the level of stipends for displaced homemakers in job training programs under § 4-607(2) of this subtitle;

(3) a sliding fee scale, based on ability to pay, for service programs under § 4-607(4) of this subtitle; and

(4) any other matter that the Secretary finds necessary to carry out the provisions of this subtitle.

§4–612.

(a) The Secretary may:

(1) evaluate periodically the effectiveness of the job training, employment placement, and service programs of the center; and

(2) include in the Secretary's annual report to the General Assembly a report on the center and its programs.

(b) The evaluation and report shall include:

(1) the number of displaced homemakers who participate in job training programs;

(2) the number of displaced homemakers who are placed in employment;

(3) follow–up information on displaced homemakers who participate in job training programs or who are placed in employment;

(4) the number of displaced homemakers who are served by the service programs; and

(5) the cost effectiveness of the programs.

§4–613.

(a) The Secretary may make grants to nonprofit agencies or organizations to establish and operate any program of the center.

(b) The Secretary may establish a multipurpose service center in or extend any program of the center to another area of this State.

(c) The Secretary may delegate any of the authority granted to the Secretary under this subtitle to any agency in the Department of Human Resources that the Secretary considers appropriate.

§4–701.

(a) In this subtitle the following words have the meanings indicated.

(b) "Abuse" has the meaning stated in § 4-501(b)(1) of this title.

(c) "Domestic violence" means abuse occurring between:

(1) current or former spouses or cohabitants;

(2) persons who have a child in common; or

(3) persons currently or formerly involved in a dating relationship.

(d) "Domestic violence program" is a program established in accordance with § 4-515 of this title.

(e) "Local team" means the multidisciplinary and multiagency domestic violence fatality review team established for a county in accordance with this subtitle.

(f) "Serious physical injury" has the meaning stated in § 3-201 of the Criminal Law Article.

§4–702.

(a) A county is authorized to establish a domestic violence fatality review team.

(b) In a county, the State's Attorney, the head of the primary law enforcement agency, or the director of the domestic violence program may organize a local team.

§4–703.

(a) The members of a local team shall be drawn from the following persons, organizations, agencies, and areas of expertise, from within the county, as available:

(1) domestic violence service providers;

(2) law enforcement agencies;

(3) the State's Attorney's office;

(4) the local health department;

(5) the local department of social services;

(6) the domestic violence coordinating council;

(7) batterer intervention services providers;

(8) the Division of Parole and Probation;

(9) hospitals;

(10) judges of the District Court and circuit courts;

(11) clerks of the District Court and circuit courts;

(12) the Chief Medical Examiner's office;

(13) survivors of domestic violence; and

(14) any other person necessary to the work of the local team, recommended by the local team.

(b) The members described under subsection (a)(1) through (12) of this section may designate representatives from their departments or offices to represent them on the local team.

(c) Each local team shall elect a chair by majority vote from among its members.

§4–704.

(a) The purpose of a local team is to prevent deaths related to domestic violence by:

(1) promoting cooperation and coordination among agencies involved in:

(i) investigating deaths related to domestic violence; or

(ii) providing services to victims of domestic violence, abusers, or surviving family members;

(2) developing an understanding of the causes and incidence of deaths related to domestic violence in the county; and

(3) developing plans for and recommending changes within the agencies

the members represent.

(b) To achieve its purpose, a local team shall:

(1) establish and implement a protocol for the local team;

(2) as provided in subsection (c) of this section, review fatalities and cases of serious physical injury related to domestic violence that have occurred in the county;

(3) meet on a regular basis as determined by the local team, at least annually, to:

(i) review the status of domestic violence fatality cases in the county;

(ii) recommend actions to improve coordination of services and investigations among member agencies; and

(iii) recommend actions within the member agencies to prevent deaths related to domestic violence; and

(4) provide reports that include recommendations:

(i) to improve coordination of services and investigations;

(ii) to implement changes recommended by the local team within member agencies; and

(iii) on needed changes to State and local law, policy, and practice to prevent deaths related to domestic violence.

(c) (1) In accordance with paragraph (2) of this subsection, a local team shall determine the number and types of cases the team will review.

(2) A local team may review criminal cases only at the conclusion of the case in trial court or after the investigation of a suicide has been closed.

§4–705.

On request of the chair of a local team and as necessary to carry out the local team's purpose and duties under this subtitle, the local team shall be immediately provided:

(1) with access to information and records by a provider of medical care, including dental and mental health care, regarding a person whose death or serious physical injury is being reviewed by the local team; and

(2) access to all information and records maintained by any State or local government agency, including birth certificates, law enforcement investigative information, medical examiner investigative information, parole and probation

information and records, and information and records of a social services agency that provided services to the person or the person's family.

§4–706.

(a) Meetings of a local team shall be closed to the public and not subject to Title 3 of the General Provisions Article when the local team is discussing individual cases.

(b) Except as provided in subsection (c) of this section, meetings of a local team shall be open to the public and subject to Title 3 of the General Provisions Article when the local team is not discussing individual cases.

(c) (1) Information identifying a deceased person, a family member, or an alleged or suspected perpetrator of abuse may not be disclosed during a public meeting.

(2) Information regarding the involvement of any agency, organization, or person with a deceased person or the person's family may not be disclosed during a public meeting.

(d) This section does not prohibit a local team from requesting the attendance at a team meeting of a person who has information relevant to the exercise of the team's purpose and duties under this subtitle.

(e) A violation of this section is a misdemeanor and is punishable by a fine not exceeding $500 or imprisonment not exceeding 90 days or both.

§4–707.

(a) Except as provided in subsections (b) and (c) of this section, all information and records acquired by a local team in the exercise of its purpose and duties under this subtitle:

(1) are confidential;

(2) are exempt from disclosure under Title 4 of the General Provisions Article; and

(3) may only be disclosed as necessary to carry out the local team's duties and purposes.

(b) Statistical compilations of data that do not contain any information that would permit the identification of any person to be ascertained are public records.

(c) Reports of a local team that do not contain any information that would permit the identification of any person to be ascertained are public information.

(d) Except as necessary to carry out a local team's purpose and duties under this subtitle, members of a local team and persons attending a local team meeting may

not disclose:

(1) what transpired at a meeting closed to the public under § 4-706 of this subtitle; or

(2) any information the disclosure of which is prohibited by this section.

(e) (1) Except as provided in paragraph (2) of this subsection, members of a local team, persons attending a local team meeting, and persons who present information to a local team may not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a meeting.

(2) A person may testify to information obtained independently of the local team or that is public information.

(f) (1) Except as provided in paragraph (2) of this subsection, information, documents, and records of a local team are not subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding.

(2) Information, documents, and records otherwise available from other sources are not immune from subpoena, discovery, or introduction into evidence through those sources solely because they were presented during proceedings of a local team or are maintained by a local team.

(g) A violation of this section is a misdemeanor and is punishable by a fine not exceeding $500 or imprisonment not exceeding 90 days or both.

§5–101.

(a) In this title the following words have the meanings indicated.

(b) "Adoptive parent" means an individual who completes adoption of another individual.

(c) "Child placement agency" means:

(1) a local department; or

(2) a private agency that is licensed by the Social Services Administration of the Department under § 5-507 of this title, or by a comparable governmental unit of another state, to place children.

(d) "Crime of violence":

(1) has the meaning stated in § 14-101 of the Criminal Law Article; or

(2) as to a crime committed in another state, means a crime that, if committed in this State, would be a crime of violence as defined in § 14-101 of the Criminal Law Article.

(e) "Department" means the State Department of Human Resources.

(f) "Disability" means:

(1) alcohol dependence, as defined in § 8–101 of the Health – General Article;

(2) drug dependence, as defined in § 8–101 of the Health – General Article;

(3) a mental disorder, as defined in § 10–101 of the Health – General Article; or

(4) intellectual disability, as defined in § 7–101 of the Health – General Article.

§5–201.

This subtitle does not affect any law that relates to the appointment of a third person as guardian of the person of a minor child because:

(1) the child's parents are unsuitable; or

(2) the child's interest would be affected adversely if the child remains under the natural guardianship of either of the child's parents.

§5–202.

When a criminal or equity court of this State annuls a marriage, or when an equity court of this State decrees an absolute divorce for a reason that makes the marriage void ab initio, the court in the decree shall declare each child of the marriage to be a legitimate child of the parties to the marriage.

§5–203.

(a) (1) The parents are the joint natural guardians of their minor child.

(2) A parent is the sole natural guardian of the minor child if the other parent:

(i) dies;

(ii) abandons the family; or

(iii) is incapable of acting as a parent.

(b) The parents of a minor child, as defined in § 1–103 of the General Provisions Article:

(1) are jointly and severally responsible for the child's support, care,

nurture, welfare, and education; and

(2) have the same powers and duties in relation to the child.

(c) If one or both parents of a minor child is an unemancipated minor, the parents of that minor parent are jointly and severally responsible for any child support for a grandchild that is a recipient of temporary cash assistance to the extent that the minor parent has insufficient financial resources to fulfill the child support responsibility of the minor parent.

(d) (1) If the parents live apart, a court may award custody of a minor child to either parent or joint custody to both parents.

(2) Neither parent is presumed to have any right to custody that is superior to the right of the other parent.

§5–204.

(a) (1) If a minor child has only 1 parent, the domicile of the child is the same as that of the parent.

(2) If the parents of a minor child live together, and the child lives with them, the domicile of the child is the same as that of the parents.

(b) If the parents of a minor child live apart, the domicile of the child is the same as that of:

(1) the parent to whom custody is awarded; or

(2) if custody has not been awarded, the parent with whom the child lives.

(c) If a minor child does not live with either parent, the domicile of the child is the same as that of the person who acts in the capacity of a parent.

§5–205.

One parent, to the exclusion of the other parent, is entitled to the services and earnings of a minor child if:

(1) that parent has been awarded custody of the child; or

(2) the other parent has abandoned the child or is dead.

§5–206.

(a) One parent, to the exclusion of the other parent, may sue for the loss of services and earnings of the parent's minor child if:

(1) the loss was caused by:

(i) the seduction of the child; or

(ii) an injury wrongfully or negligently inflicted on the child; and

(2) that parent has been awarded custody of the child or the other parent has abandoned the child or is dead.

(b) This section does not affect any provision of the Maryland Workers' Compensation Act.

§5–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Caregiver" means a person with whom a child resides and who exercises responsibility for the welfare of the child.

(c) "Child" means an individual who is the subject of a guardianship or adoption petition under this subtitle.

(d) "Guardianship" means an award, under this subtitle, of any power of a guardian.

(e) "Identifying information" means information that reveals the identity or location of an individual.

(f) (1) "Parent" means an individual who, at the time a petition for guardianship is filed under this subtitle or at any time before a court terminates the individual's parental rights:

(i) meets a criterion in § 5-306(a) of this subtitle; or

(ii) is the mother.

(2) "Parent" does not include an individual whom a court has adjudicated not to be a father or mother of a child.

(g) "Party" means:

(1) in a guardianship case under this subtitle:

(i) the child;

(ii) except as provided in § 5-326(a)(3)(iii) of this subtitle, the child's parent; and

(iii) the local department to which the child is committed;

(2) in an adoption case under Part III of this subtitle:

(i) the child;

(ii) the child's parent; and

(iii) the individual seeking adoption;

(3) in an adoption case under Part IV of this subtitle:

(i) the child; and

(ii) the individual seeking adoption; and

(4) if express reference is made to a CINA case, a governmental unit or person defined as a party in § 3-801 of the Courts Article.

§5–302.

(a) This subtitle applies only to:

(1) guardianship of an individual who is committed to a local department as a child in need of assistance;

(2) adoption of an individual who is committed to a local department as a child in need of assistance, without prior termination of parental rights as to the individual; and

(3) adoption of an individual under guardianship under this subtitle.

(b) This subtitle:

(1) does not apply to a guardianship case filed on or before December 31, 2005, until guardianship is granted; and

(2) unless otherwise specified, does not apply to an adoption case filed on or before December 31, 2005.

§5–303.

(a) The General Assembly finds that the policies and procedures of this subtitle are desirable and socially necessary.

(b) The purposes of this subtitle are to:

(1) timely provide permanent and safe homes for children consistent with their best interests;

(2) protect children from unnecessary separation from their parents;

(3) ensure adoption only by individuals fit for the responsibility;

(4) protect parents from making hurried or ill-considered agreements to terminate parental rights;

(5) protect prospective adoptive parents by giving them information about children and their backgrounds; and

(6) protect adoptive parents from future disturbances of their relationships with children by former parents.

§5–304.

This subtitle is related to and should be read in relation to Subtitle 5 of this title.

§5–305.

(a) In this section, "order" includes any action that, under the laws of another jurisdiction, has the force and effect of a comparable judicial order under this subtitle.

(b) In accordance with the United States Constitution, this State shall accord full faith and credit to:

(1) an order of another state as to adoption or guardianship in compliance with the other state's laws; and

(2) termination of parental rights in compliance with the other state's laws.

(c) As to a jurisdiction other than a state:

(1) an order for adoption or guardianship entered in compliance with the jurisdiction's laws shall have the same legal effect as an order for adoption or guardianship entered in this State; and

(2) termination of parental rights in compliance with the jurisdiction's laws shall have the same legal effect as termination of parental rights in this State.

§5–306.

(a) Unless a court excludes a man as the father of a child, a man is the father if:

(1) the man was married to the child's mother at the time of the child's conception;

(2) the man was married to the child's mother at the time of the child's birth;

(3) the man is named as the father on the child's birth certificate and has not signed a denial of paternity;

(4) the child's mother has named the man as the child's father and the man has not signed a denial of paternity;

(5) the man has been adjudicated to be the child's father;

(6) the man has acknowledged himself, orally or in writing, to be the child's father and the mother agrees; or

(7) on the basis of genetic testing, the man is indicated to be the child's biological father.

(b) (1) A petitioner under Part II or Part III of this subtitle shall give a juvenile court notice that a man who is not named in the petition and has not been excluded as a father claims paternity.

(2) After a request of a party or claimant and before ruling on a petition under Part II or Part III of this subtitle, a juvenile court shall hold a hearing on the issue of paternity.

§5–307.

(a) (1) Unless the public defender is required under § 16–204 of the Criminal Procedure Article to provide representation, in a case under Part II or Part III of this subtitle, a juvenile court shall appoint an attorney to represent a parent who:

(i) has a disability that makes the parent incapable of effectively participating in the case; or

(ii) when a petition for guardianship or adoption is filed or consent to guardianship or adoption is given, is a minor.

(2) To determine whether a disability makes a parent incapable of effectively participating in a case, a juvenile court, on its own motion or motion of a party, may order examination of the parent.

(b) (1) In accordance with paragraph (2) of this subsection, in a case under this subtitle, a juvenile court shall appoint an attorney to represent a child.

(2) Unless a juvenile court finds that it is not in a child's best interests, the juvenile court:

(i) if the attorney who currently represents the child in a pending CINA case or guardianship case is under contract with the Department to provide services under this subsection, shall appoint that attorney; and

(ii) if the attorney who currently represents the child is not under contract with the Department, shall strike the appearance of that attorney.

(c) An attorney or firm may represent more than one party in a case under this subtitle only if the Maryland Lawyers' Rules of Professional Conduct allow.

(d) An attorney appointed under this section may be compensated for reasonable fees, as approved by a juvenile court.

§5–308.

(a) (1) A prospective adoptive parent and parent of a prospective adoptee under this subtitle may enter into a written agreement to allow contact, after the adoption, between:

(i) the parent or other relative of the adoptee; and

(ii) the adoptee or adoptive parent.

(2) An adoptive parent and former parent of an adoptee under this subtitle may enter into a written agreement to allow contact between:

(i) a relative or former parent of the adoptee; and

(ii) the adoptee or adoptive parent.

(b) An agreement made under this section applies to contact with an adoptee only while the adoptee is a minor.

(c) An individual who prepares an agreement described in subsection (a)(1) of this section:

(1) shall provide a copy to each party in a case pending as to the prospective adoptee under this subtitle or in a CINA case pending as to the prospective adoptee; and

(2) if the agreement so provides, shall redact identifying information from the copies.

(d) Failure to comply with a condition of an agreement made under this section is not a ground for revoking consent to, or setting aside an order for, an adoption or guardianship.

(e) If a dispute as to an agreement made under this section arises, a court may refer the parties to mediation to try to resolve the dispute.

(f) (1) A juvenile court or other court of competent jurisdiction shall enforce a written agreement made in accordance with this section unless enforcement is not in the adoptee's best interests.

(2) If a party moves in juvenile court or another court of competent jurisdiction to modify a written agreement made in accordance with this section and

satisfies the court that modification is justified because an exceptional circumstance has arisen and the court finds modification to be in an adoptee's best interests, the court may modify the agreement.

§5–309.

A juvenile court may assign counsel fees and costs among the parties to a case as the juvenile court considers appropriate and the parties' economic situations allow.

§5–310.

A party to a case under this subtitle may appeal to the Court of Special Appeals:

(1) in an interlocutory appeal, from a denial of the right to participate in a guardianship case before entry of an order for guardianship;

(2) in an interlocutory appeal, from a denial of the right to participate in an adoption case under Part III of this subtitle; or

(3) from a final order.

§5–313.

(a) Except as provided in § 5-331 of this subtitle, a petition for guardianship shall precede a petition for adoption under this subtitle.

(b) Only the individual who would be subject to guardianship or a local department may file a petition for guardianship under this Part II of this subtitle.

(c) A petition for guardianship of an individual shall be filed before the individual attains 18 years of age.

(d) A petitioner under this section shall attach to a petition:

(1) all written consents for the guardianship that the petitioner has;

(2) if applicable:

(i) proof of guardianship or relinquishment of parental rights granted by an administrative, executive, or judicial body of a state or other jurisdiction; and

(ii) certification that the guardianship or relinquishment was granted in compliance with the jurisdiction's laws; and

(3) a notice of filing that:

(i) states the date on which the petition was filed;

(ii) identifies each person whose consent was filed with the petition;

(iii) states the obligation of a parent to give the juvenile court and local department notice of each change in the parent's address;

(iv) has printed on it the website that the Department maintains under § 2–302 of the Human Services Article; and

(v) includes no identifying information that would be in violation of an agreement or consent.

§5–314.

A clerk of a juvenile court shall keep a listing of each address given to the juvenile court for a parent under this Part II of this subtitle.

§5–315.

(a) Within 5 days after a petition for guardianship of a child is filed with a juvenile court, the clerk shall send a copy of the petition, with the notice of filing that was attached to the petition, to:

(1) the local department;

(2) each of the child's living parents who has not waived the right to notice;

(3) each living parent's last attorney of record in the CINA case; and

(4) the child's last attorney of record in the CINA case.

(b) Notice under this section shall be by first-class mail.

(c) Notice under this section shall be sent to a parent's last address known to the juvenile court.

§5–316.

(a) Promptly after a petition for guardianship is filed under this Part II of this subtitle, a juvenile court shall issue a show–cause order that requires the party to whom it is issued to respond as required under the Maryland Rules.

(b) On issuance of a show–cause order as to guardianship of a child, a petitioner shall serve the order on:

(1) each of the child's living parents who has not consented to the guardianship;

(2) each living parent's last attorney of record in the CINA case; and

(3) the child's last attorney of record in the CINA case.

(c) Service under this section shall be:

(1) on a parent, by:

(i) personal service; or

(ii) certified mail, restricted delivery, return receipt requested; and

(2) on an attorney, by:

(i) personal service; or

(ii) certified mail, return receipt requested.

(d) (1) Subject to paragraph (2) of this subsection, service on a parent under this section shall be attempted at:

(i) each address in records of a juvenile court kept under § 3–822 of the Courts Article within the 270 days immediately preceding the filing of the petition for guardianship;

(ii) each address in records of, or known to, the local department within the 270 days immediately preceding the filing of the petition for guardianship;

(iii) the last address in records of a child support agency; and

(iv) each other address provided by the child's caregiver.

(2) If a local department has proof that a parent does not live at an address, the local department need not attempt service there.

(e) (1) If a juvenile court never notified a parent of the requirements of § 3–822 of the Courts Article and a petitioner cannot serve the parent at any of the addresses listed in subsection (d) of this section, the petitioner shall make a reasonable, good faith effort to identify an address for the parent and serve the parent at that address.

(2) A juvenile court shall find that a petitioner has met the requirements of paragraph (1) of this subsection if the petitioner shows, by affidavit or testimony, that the petitioner made inquiries after or within the 180 days immediately preceding the filing of the petition for guardianship:

(i) with the Motor Vehicle Administration;

(ii) with the Department;

(iii) with the Department of Public Safety and Correctional Services,

including its Division of Parole and Probation;

(iv) with the detention center of the county where the petition is filed;

(v) with the juvenile court;

(vi) if the local department is aware that the parent has received benefits from a particular social services entity within the 180 days immediately preceding the filing of the petition, with that entity;

(vii) if the local department is aware that the parent has been confined in a particular detention facility within the 180 days immediately preceding the filing of the petition, with that facility;

(viii) with the child's caregiver;

(ix) if the petitioner is able to contact the child's other parent, with that parent;

(x) if the petitioner is able to contact known members of the parent's immediate family, with those members; and

(xi) if the petitioner is able to contact the parent's current or last known employer, with that employer.

(3) A juvenile court shall consider an inquiry under this subsection sufficient if made by searching the computer files of, or making an inquiry by first–class mail to, a governmental unit or person listed in this subsection.

(4) A juvenile court shall consider failure to receive a response within 30 days after the petitioner mails an inquiry under this subsection to be a negative response to the inquiry.

(f) (1) If a juvenile court is satisfied, by affidavit or testimony, that a petitioner met the requirements of subsection (d) and, if applicable, subsection (e) of this section but could not effect service on a parent, the juvenile court shall order service through notice by publication as to that parent.

(2) Notice under this subsection shall consist of substantially the following statement:

To: (Father's name) To: (Mother's name) To: Unknown parent

"You are hereby notified that a guardianship case has been filed in the Circuit Court for (county name), Case No. (number). All persons who believe themselves to be parents of a (male or female) child born on (date of birth) in (city, state) to (mother's and father's names and dates of birth) shall file a written response. A copy of the show–cause order may be obtained from the juvenile clerk's office at

(address) and (telephone number). If you do not file a written objection by (deadline), you will have agreed to the permanent loss of your parental rights to this child."

(3) Service under this subsection shall be by:

(i) publication at least once in one or more newspapers in general circulation in the county where the parent last resided or, if unknown, where the petition is filed; and

(ii) posting for at least 30 days on a website of the Department.

§5–317.

In addition to any investigation required under § 5-323(c) of this subtitle, a juvenile court may order a neutral governmental unit or neutral person to carry out any investigation that the juvenile court considers necessary to determine a child's best interests in ruling on a petition for guardianship.

§5–318.

(a) (1) In addition to any hearing required under this subsection or § 5-306(b)(2) of this subtitle, a juvenile court may hold a hearing before entering a guardianship order under § 5-320(a)(1) of this subtitle or otherwise ruling on a guardianship petition.

(2) If a party becomes aware, before a juvenile court rules on a guardianship petition, that a condition of consent under § 5-320(b) of this subtitle may not be fulfilled:

(i) the party promptly shall:

1. file notice with the juvenile court;

2. give notice to all of the other parties; and

3. if consent was received from a governmental unit or person who is not a party, give notice to that unit or person;

(ii) the juvenile court shall schedule a hearing to occur within 30 days after the filing of the notice; and

(iii) if the party, unit, or person whose condition cannot be fulfilled fails to enter into a new consent, the juvenile court shall set the case in for a prompt trial on the merits of the petition.

(b) Before a juvenile court grants guardianship under § 5-320(a)(2) of this subtitle, the juvenile court shall hold a trial on the merits of the petition.

(c) Before a trial or other hearing under this section, a juvenile court shall give

notice to all of the parties.

§5–319.

(a) Subject to subsection (b) of this section, a juvenile court shall rule on a guardianship petition:

(1) within 180 days after the petition is filed; and

(2) within 45 days after the earlier of:

(i) receipt of all of the consents required under this Part II of this subtitle; or

(ii) trial on the merits.

(b) A juvenile court may not enter an order for guardianship of a child under this subtitle before the later of:

(1) 30 days after the birth of the child;

(2) expiration of the time set for revocation of consent, and not waived, under § 5–321(c) of this subtitle; or

(3) expiration of the time to respond to the show–cause order issued under § 5–316 of this subtitle.

§5–320.

(a) A juvenile court may grant guardianship of a child only if:

(1) (i) the child does not object;

(ii) the local department:

1. filed the petition; or

2. did not object to another party filing the petition; and

(iii) 1. each of the child's living parents consents:

A. in writing;

B. knowingly and voluntarily, on the record before the juvenile court; or

C. by failure to file a timely notice of objection after being served with a show–cause order in accordance with this subtitle;

2. an administrative, executive, or judicial body of a state or other jurisdiction has granted a governmental unit or person other than a parent the power to consent to adoption, and the unit or person consents; or

3. parental rights have been terminated in compliance with the laws of a state or other jurisdiction, as described in § 5–305 of this subtitle; or

(2) in accordance with § 5–323 of this subtitle, the juvenile court finds termination of parental rights to be in the child's best interests without consent otherwise required under this section or over the child's objection.

(b) A governmental unit or person:

(1) may condition consent or acquiescence on adoption into a specific family that a local department approves for the placement; but

(2) may not condition consent or acquiescence on any factor other than placement into a specific family.

§5–321.

(a) (1) Consent of a parent to guardianship may include a waiver of the right to notice of:

(i) the filing of a petition under this subtitle; and

(ii) a hearing under this subtitle.

(2) Consent to guardianship entered into before a judge on the record shall include a waiver of a revocation period.

(3) Consent of a party to guardianship is not valid unless:

(i) the consent is given in a language that the party understands;

(ii) if given in a language other than English, the consent:

1. is given before a judge on the record; or

2. is accompanied by the affidavit of a translator stating that the translation of the document of consent is accurate;

(iii) the party has received written notice or on–the–record notice before a judge of:

1. the revocation provisions in subsections (a)(2) and (c)(1) of this section;

2. the search rights of adoptees and parents under § 5–359 of

this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of this title; and

3. the right to file a disclosure veto under § 5–359 of this subtitle;

(iv) if signed after counsel enters an appearance for a parent, the consent is accompanied by an affidavit of counsel stating that:

1. counsel reviewed the consent with the parent; and

2. the parent consents knowingly and voluntarily; and

(v) the consent is accompanied by an affidavit of counsel appointed under § 5–307(a) of this subtitle stating that a parent who is a minor or has a disability consents knowingly and voluntarily.

(b) (1) Whenever a local department receives consent to guardianship of an individual before a guardianship petition is filed, the local department promptly shall:

(i) file the consent in the individual's CINA case; and

(ii) serve a copy of the consent on:

1. each living parent of the individual;

2. the parent's last attorney of record in the CINA case; and

3. the individual's last attorney of record in the CINA case.

(2) Whenever a party obtains consent to guardianship after a guardianship petition is filed, the party promptly shall:

(i) file the consent with the juvenile court in which the petition is pending; and

(ii) serve a copy of the consent on each other party.

(c) (1) Subject to paragraph (2) of this subsection, a person may revoke consent to guardianship any time within the later of:

(i) 30 days after the person signs the consent; or

(ii) 30 days after the consent is filed as required under this section.

(2) Consent to guardianship under subsection (a)(2) of this section is irrevocable.

(d) If, at any time before a juvenile court enters an order for adoption of a child,

the juvenile court finds that a condition of consent to guardianship will not be fulfilled, the consent or acquiescence becomes invalid.

§5–322.

(a) If all consents for guardianship of a child have been given in accordance with this subtitle and the child has not objected, a juvenile court may enter an order for guardianship.

(b) (1) Within 5 days after entry of an order under this section, a juvenile court shall give notice of the order to:

(i) each party or, if represented, counsel;

(ii) each of the child's living parents who has not waived the right to notice;

(iii) each living parent's last attorney of record in the CINA case; and

(iv) the child's last attorney of record in the CINA case.

(2) Notice under this subsection shall be by first-class mail.

(3) Notice to a party under this subsection shall be sent to the party's last address known to the juvenile court.

§5–323.

(a) In this section, "drug" means cocaine, heroin, methamphetamine, or a derivative of cocaine, heroin, or methamphetamine.

(b) If, after consideration of factors as required in this section, a juvenile court finds by clear and convincing evidence that a parent is unfit to remain in a parental relationship with the child or that exceptional circumstances exist that would make a continuation of the parental relationship detrimental to the best interests of the child such that terminating the rights of the parent is in a child's best interests, the juvenile court may grant guardianship of the child without consent otherwise required under this subtitle and over the child's objection.

(c) A juvenile court need not consider any factor listed in subsection (d) of this section in determining a child's best interests if, after a thorough investigation by a local department, the juvenile court finds that:

(1) the identities of the child's parents are unknown; and

(2) during the 60 days immediately after the child's adjudication as a child in need of assistance, no one has claimed to be the child's parent.

(d) Except as provided in subsection (c) of this section, in ruling on a petition

for guardianship of a child, a juvenile court shall give primary consideration to the health and safety of the child and consideration to all other factors needed to determine whether terminating a parent's rights is in the child's best interests, including:

(1) (i) all services offered to the parent before the child's placement, whether offered by a local department, another agency, or a professional;

(ii) the extent, nature, and timeliness of services offered by a local department to facilitate reunion of the child and parent; and

(iii) the extent to which a local department and parent have fulfilled their obligations under a social services agreement, if any;

(2) the results of the parent's effort to adjust the parent's circumstances, condition, or conduct to make it in the child's best interests for the child to be returned to the parent's home, including:

(i) the extent to which the parent has maintained regular contact with:

1. the child;

2. the local department to which the child is committed; and

3. if feasible, the child's caregiver;

(ii) the parent's contribution to a reasonable part of the child's care and support, if the parent is financially able to do so;

(iii) the existence of a parental disability that makes the parent consistently unable to care for the child's immediate and ongoing physical or psychological needs for long periods of time; and

(iv) whether additional services would be likely to bring about a lasting parental adjustment so that the child could be returned to the parent within an ascertainable time not to exceed 18 months from the date of placement unless the juvenile court makes a specific finding that it is in the child's best interests to extend the time for a specified period;

(3) whether:

(i) the parent has abused or neglected the child or a minor and the seriousness of the abuse or neglect;

(ii) 1. A. on admission to a hospital for the child's delivery, the mother tested positive for a drug as evidenced by a positive toxicology test; or

B. upon the birth of the child, the child tested positive for a

drug as evidenced by a positive toxicology test; and

2. the mother refused the level of drug treatment recommended by a qualified addictions specialist, as defined in § 5–1201 of this title, or by a physician or psychologist, as defined in the Health Occupations Article;

(iii) the parent subjected the child to:

1. chronic abuse;

2. chronic and life–threatening neglect;

3. sexual abuse; or

4. torture;

(iv) the parent has been convicted, in any state or any court of the United States, of:

1. a crime of violence against:

A. a minor offspring of the parent;

B. the child; or

C. another parent of the child; or

2. aiding or abetting, conspiring, or soliciting to commit a crime described in item 1 of this item; and

(v) the parent has involuntarily lost parental rights to a sibling of the child; and

(4) (i) the child's emotional ties with and feelings toward the child's parents, the child's siblings, and others who may affect the child's best interests significantly;

(ii) the child's adjustment to:

1. community;

2. home;

3. placement; and

4. school;

(iii) the child's feelings about severance of the parent–child relationship; and

(iv) the likely impact of terminating parental rights on the child's well–being.

(e) (1) A juvenile court shall consider the evidence under subsection (d)(3)(i) and (ii) of this section as to a continuing or serious act or condition and may waive a local department's obligations for services described in subsection (d)(1) of this section if, after appropriate evaluation of efforts made and services offered, the juvenile court finds by clear and convincing evidence that a waiver is in the child's best interests.

(2) A juvenile court may waive a local department's obligations for services described in subsection (d)(1) of this section if the juvenile court finds by clear and convincing evidence that one or more of the acts or circumstances listed in subsection (d)(3)(iii), (iv), or (v) of this section exists.

(3) If a juvenile court waives reunification efforts under § 3–812(d) of the Courts Article, the juvenile court may not consider any factor under subsection (d)(1) of this section.

(f) If a juvenile court finds that an act or circumstance listed in subsection (d)(3)(iii), (iv), or (v) of this section exists, the juvenile court shall make a specific finding, based on facts in the record, whether return of the child to a parent's custody poses an unacceptable risk to the child's future safety.

(g) If a parent has consented to guardianship in accordance with § 5–320(a)(1)(iii)1 of this subtitle, the loss of parental rights shall be considered voluntary.

§5–324.

(a) In a separate order accompanying an order denying guardianship of a child, a juvenile court shall include:

(1) a specific factual finding on whether reasonable efforts have been made to finalize the child's permanency plan;

(2) any order under Title 3, Subtitle 8 of the Courts Article in the child's best interests; and

(3) a date, no later than 180 days after the date of the order, for the next review hearing under Title 3, Subtitle 8 of the Courts Article.

(b) (1) In a separate order accompanying an order granting guardianship of a child, a juvenile court:

(i) shall include a directive terminating the child's CINA case;

(ii) consistent with the child's best interests:

1. may place the child:

A. subject to paragraph (2) of this subsection, in a specific type of facility; or

B. with a specific individual;

2. may direct provision of services by a local department to:

A. the child; or

B. the child's caregiver;

3. subject to a local department retaining legal guardianship, may award to a caregiver limited authority to make an emergency or ordinary decision as to the child's care, education, mental or physical health, or welfare;

4. may allow access to a medical or other record of the child;

5. may allow visitation for the child with a specific individual;

6. may appoint, or continue the appointment of, a court-appointed special advocate for any purpose set forth under § 3-830 of the Courts Article;

7. shall direct the provision of any other service or taking of any other action as to the child's education, health, and welfare, including:

A. for a child who is at least 16 years old, services needed to help the child's transition from guardianship to independence; or

B. for a child with a disability, services to obtain ongoing care, if any, needed after the guardianship case ends; and

8. may co-commit the child to the custody of the Department of Health and Mental Hygiene and order the Department of Health and Mental Hygiene to provide a plan for the child of clinically appropriate services in the least restrictive setting, in accordance with federal and State law;

(iii) if entered under § 5-322 of this subtitle, shall state each party's response to the petition;

(iv) shall state a specific factual finding on whether reasonable efforts have been made to finalize the child's permanency plan;

(v) shall state whether the child's parent has waived the right to notice; and

(vi) shall set a date, no later than 180 days after the date of the order,

for the initial guardianship review hearing under § 5-326 of this subtitle.

(2) (i) Except for emergency commitment in accordance with § 10-617 of the Health - General Article or as expressly authorized by a juvenile court in accordance with the standards in § 3-819(h) or (i) of the Courts Article, a child may not be committed or otherwise placed for inpatient care or treatment in a psychiatric facility or a facility for the developmentally disabled.

(ii) A juvenile court shall include in a commitment order under this paragraph a requirement that the guardian:

1. file a progress report with the juvenile court at least every 180 days; and

2. provide a copy of each report to each person entitled to notice of a review hearing under § 5-326 of this subtitle.

(iii) Every 180 days during a commitment or placement under this paragraph, a juvenile court shall hold a hearing to determine whether the standards in § 3-819(h) or (i) of the Courts Article continue to be met.

(c) A juvenile court shall send a copy of an order entered under this section to:

(1) each party or, if represented, counsel;

(2) each of the child's living parents who has not waived the right to notice;

(3) each living parent's last attorney of record in the CINA case; and

(4) the child's last attorney of record in the CINA case.

§5–325.

(a) An order for guardianship of an individual:

(1) except as otherwise provided in this subtitle, § 4-414 of the Estates and Trusts Article, and § 2-123 of the Real Property Article, terminates a parent's duties, obligations, and rights toward the individual;

(2) eliminates the need for a further consent by a parent to adoption of the individual;

(3) grants a local department guardianship with the right to consent to the individual's adoption or other planned permanent living arrangement; and

(4) terminates the individual's CINA case.

(b) (1) Unless a juvenile court gives legal custody to another person, a child's guardian under this subtitle has legal custody.

(2) (i) Unless a juvenile court orders otherwise and subject to review by the juvenile court, a child's guardian may make all decisions affecting the child's education, health, and welfare, including consenting:

1. to adoption of the child;

2. to application by the child for a driver's license;

3. to enlistment by the child in the armed forces;

4. to marriage of the child; and

5. subject to subparagraphs (ii) and (iii) of this paragraph, to medical, psychiatric, or surgical treatment.

(ii) A child's guardian:

1. may have the child admitted to an inpatient psychiatric facility in accordance with the standards for emergency commitment in § 10-617 of the Health - General Article for not more than 20 days;

2. except as provided in item 1 of this subparagraph, may not place the child in an inpatient psychiatric facility without express authorization of the juvenile court.

(iii) 1. A child's guardian may not withhold or withdraw a life-sustaining procedure without the prior authorization of a juvenile court.

2. In deciding whether to grant authorization, a juvenile court shall apply the factors set forth in § 13-711(b) of the Estates and Trusts Article.

(3) A local department shall notify a juvenile court, a child's attorney, and the attorney for each other party who has not waived the right to notice:

(i) within 2 business days after the child's placement changes or the time required under § 5-326(b) of this subtitle, whichever is shorter;

(ii) within 2 business days after the child is placed in a psychiatric facility; or

(iii) within 2 business days after the child is absent from a placement for more than a week.

(4) A local department shall give a child's attorney the child's new address and telephone number within 2 business days after the address or telephone number changes.

§5–326.

(a) (1) A juvenile court shall hold:

(i) an initial guardianship review hearing as scheduled under § 5-324(b)(1)(vi) of this subtitle to establish a permanency plan for the child; and

(ii) at least once each year after the initial guardianship review hearing until the juvenile court's jurisdiction terminates, a guardianship review hearing.

(2) At each guardianship review hearing, a juvenile court shall determine whether:

(i) the child's current circumstances and placement are in the child's best interests;

(ii) the permanency plan that is in effect is in the child's best interests; and

(iii) reasonable efforts have been made to finalize the permanency plan that is in effect.

(3) (i) A juvenile court shall give at least 30 days' notice before each guardianship review hearing for a child to:

1. the local department;

2. the child's attorney; and

3. each of the child's living parents who has not waived the right to notice and that parent's attorney.

(ii) A parent is entitled to be heard and to participate at a guardianship review hearing.

(iii) A parent is not a party solely on the basis of the right to notice or opportunity to be heard or participate at a guardianship review hearing.

(4) (i) A local department shall give a child's caregiver at least 7 days' notice before a guardianship review hearing.

(ii) A caregiver is entitled to be heard at a guardianship review hearing.

(iii) A caregiver is not a party solely on the basis of the right to notice or opportunity to be heard at a guardianship review hearing.

(5) (i) At least 10 days before each guardianship review hearing, a local

department shall:

1. investigate as needed to prepare a written report that summarizes the child's circumstances and the progress that has been made in implementing the child's permanency plan; and

2. send a copy of the report to:

A. the child's attorney; and

B. each of the child's living parents who has not waived the right to notice and that parent's attorney.

(ii) Notice to a parent under this paragraph shall be sent to the parent's last address known to the juvenile court.

(6) A child's permanency plan may be, in order of priority:

(i) adoption of the child;

(ii) custody and guardianship of the child by an individual; or

(iii) another planned permanent living arrangement that:

1. addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and

2. includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.

(7) Every reasonable effort shall be made to implement a permanency plan within 1 year.

(8) At each guardianship review hearing for a child, a juvenile court shall:

(i) evaluate the child's safety and act as needed to protect the child;

(ii) consider the written report of a local out-of-home placement review board required under § 5-545 of this title;

(iii) determine the extent of compliance with the permanency plan;

(iv) make a specific factual finding on whether reasonable efforts have been made to finalize the child's permanency plan and document the finding;

(v) subject to subsection (b) of this section, change the child's permanency plan if a change would be in the child's best interests;

(vi) project a reasonable date by which the permanency plan will be finalized;

(vii) enter any order that the juvenile court finds appropriate to implement the permanency plan; and

(viii) take all other action that the juvenile court considers to be in the child's best interests, including any order allowed under § 5-324(b)(1)(ii) of this subtitle.

(9) A juvenile court may approve a permanency plan other than adoption of a child only if the juvenile court finds that, for a compelling reason, adoption is not in the child's best interests.

(10) (i) At a guardianship review hearing held 1 year or more after a juvenile court enters an order for guardianship of a child, the juvenile court may designate an individual guardian of the child if:

1. the local department certifies the child's successful placement with the individual under the supervision of the local department or its agent for at least 180 days or a shorter period allowed by the juvenile court on recommendation of the local department;

2. the local department files a report by a child placement agency, completed in accordance with department regulations, as to the suitability of the individual to be the child's guardian; and

3. the juvenile court makes a specific finding that:

A. for a compelling reason, adoption is not in the child's best interests; and

B. custody and guardianship by the individual is in the child's best interests and is the least restrictive alternative available.

(ii) Designation of a guardian under this paragraph terminates the local department's legal obligations and responsibilities to the child.

(iii) After designation of a guardian under this paragraph, a juvenile court may order any further review that the juvenile court finds to be in the child's best interests.

(b) (1) Whenever a juvenile court orders a specific placement for a child, a local department may remove the child from the placement before a hearing only if:

(i) removal is needed to protect the child from serious immediate danger;

(ii) continuation of the placement is contrary to the child's best

interests; or

(iii) the child's caregiver asks for the child's immediate removal.

(2) (i) On the next day on which the circuit court sits after a local department changes a placement under this subsection, the juvenile court shall hold an emergency review hearing on the change.

(ii) A juvenile court shall give reasonable notice of an emergency review hearing to:

1. the child's attorney;

2. each of the child's living parents who has not waived the right to notice and that parent's attorney; and

3. each other party's attorney.

(iii) At an emergency review hearing, the standard of review as to a change shall be the standard for continued shelter care in a hearing under § 3-815 of the Courts Article.

(iv) Unless all of the parties agree to a juvenile court's order entered at an emergency review hearing, the juvenile court shall hold a full review hearing on the change within 30 days after the date of removal or, if agreed to by the parties, a later date.

(c) (1) At least every 12 months at a hearing under this section, the court shall consult on the record with the child in an age–appropriate manner to obtain the child's views on permanency.

(2) (i) If, after a hearing or with the agreement of all parties, the court determines that the child is medically fragile and that it is detrimental to the child's physical or mental health to be transported to the courthouse, the court may, subject to subparagraph (ii) of this paragraph:

1. visit the child at the child's placement and use appropriate technology to document the consultation for the record; or

2. use video conferencing to consult with the child on the record during the hearing.

(ii) If the court visits the child at the child's placement under subparagraph (i)1 of this paragraph or uses video conferencing under subparagraph (i)2 of this paragraph, the court shall give each party notice and an opportunity to attend the visit or the video conferencing, unless the court determines that it is not in the best interest of the child for a party to attend the visit or the video conferencing.

(3) Subject to the provisions of paragraph (2)(ii) of this subsection, if the child's placement is outside the State and, after a hearing or with the agreement of all parties, the court determines that it is not in the best interest of the child to be transported to the court, the court may use video conferencing to consult with the child on the record during the hearing.

§5–327.

If, after a juvenile court grants guardianship, a party becomes aware that a condition of consent to the guardianship may not be fulfilled:

(1) the party promptly shall:

(i) file notice with the juvenile court;

(ii) give notice to all of the other parties; and

(iii) if consent was received from a governmental unit or person who is not a party, give notice to that unit or person;

(2) the juvenile court shall schedule a hearing to occur within 30 days after the filing of the notice; and

(3) if the party, unit, or person whose condition cannot be fulfilled fails to enter into a new consent, the juvenile court shall:

(i) set aside the guardianship order;

(ii) set the case in for a prompt trial on the merits of the guardianship petition; and

(iii) reopen the CINA case for review as required under Title 3, Subtitle 8 of the Courts Article.

§5–328.

(a) If a local department is a child's guardian under this subtitle, a juvenile court:

(1) retains jurisdiction until:

(i) the child attains 18 years of age; or

(ii) the juvenile court finds the child to be eligible for emancipation; and

(2) may continue jurisdiction until the child attains 21 years of age.

(b) If a juvenile court designates an individual as a child's guardian, the juvenile

court:

(1) may retain jurisdiction until the child attains 18 years of age; or

(2) on finding further review unnecessary to maintain the child's health and welfare, may terminate the case before the child attains 18 years of age.

(c) An order for adoption of a child terminates the child's guardianship case.

(d) On termination of a guardianship case, a juvenile court shall close the case.

§5–331.

(a) Before termination of parental rights as to a child, a petition for adoption of the child may be filed only as provided in this Part III of this subtitle.

(b) (1) With the consent of the local department with custody of a child, any adult may petition a juvenile court under this Part III of this subtitle to adopt the child.

(2) If a petitioner under this section is married, the petitioner's spouse shall join in the petition unless the spouse:

(i) is separated from the petitioner under a circumstance that gives the petitioner a ground for annulment or divorce; or

(ii) is not competent to join in the petition.

(c) (1) A petitioner under this section shall attach to a petition:

(i) for a parent who is dead, a death certificate;

(ii) for each other parent:

1. the consent required under this Part III of this subtitle;

2. an affidavit, by the local department with custody of the child, stating that:

A. despite reasonable efforts as provided in § 5-316 of this subtitle, the parent cannot be located; and

B. to the best knowledge of the local department, the parent has not contacted the local department or child for at least 180 days immediately before the filing of the petition; or

3. if applicable:

A. proof of guardianship or relinquishment of parental rights granted by an administrative, executive, or judicial body of a state or other jurisdiction;

and

B. certification that the guardianship or relinquishment was granted in compliance with the jurisdiction's laws;

(iii) each other consent required under § 5-338 of this subtitle;

(iv) a copy of an agreement, if any, for postadoption contact; and

(v) a notice of filing that:

1. states the date on which the petition was filed;

2. identifies each person whose consent was filed with the petition;

3. states the obligation of a parent to give the juvenile court and local department notice of each change in the parent's address;

4. if applicable, states that a postadoption agreement was filed with the petition; and

5. includes no identifying information that would be in violation of an agreement or consent.

(2) In addition to a copy of an agreement for postadoption contact, a petitioner shall file the original agreement under seal.

(d) If the marital status of a petitioner changes before entry of an order, the petitioner shall amend the petition accordingly.

(e) The local department with custody of the child shall assist a petitioner in complying with the requirements of this section.

§5–332.

A clerk of a juvenile court shall keep a listing of each address given to the juvenile court for a parent under this Part III of this subtitle.

§5–333.

(a) Within 5 days after a petition for adoption of a child is filed under this Part III of this subtitle with a juvenile court, the clerk shall send a copy of the petition, with the notice of filing that was attached to the petition, to:

(1) the local department with custody of the child;

(2) each of the child's living parents who has not waived the right to notice;

(3) each living parent's last attorney of record in the CINA case; and

(4) the child's last attorney of record in the CINA case.

(b) Notice under this section shall be by first-class mail.

(c) Notice to a parent under this section shall be sent to the parent's last address known to the juvenile court.

§5–334.

(a) Promptly after a petition for adoption is filed under this Part III of this subtitle, a juvenile court shall issue a show–cause order that requires the party to whom issued to respond as required under the Maryland Rules.

(b) On issuance of a show–cause order as to adoption of a child under this section, a petitioner shall serve the order on:

(1) each of the child's living parents who has not consented to the adoption;

(2) each living parent's last attorney of record in the CINA case; and

(3) the child's last attorney of record in the CINA case.

(c) Service under this section shall be:

(1) on a parent, by:

(i) first–class mail; and

(ii) 1. personal service; or

2. certified mail, restricted delivery, return receipt requested; and

(2) on an attorney, by:

(i) personal service; or

(ii) certified mail, return receipt requested.

(d) Service on a parent under this section shall be attempted as provided in § 5–316(d), (e), and (f) of this subtitle.

§5–335.

(a) A juvenile court shall hold a hearing before entering an order for adoption under this Part III of this subtitle.

(b) Before a hearing under this section, a juvenile court shall give notice to all of the parties.

§5–336.

(a) Subject to subsection (b) of this section, a juvenile court shall rule on an adoption petition under this Part III of this subtitle promptly but no later than 180 days after the petition is filed.

(b) A juvenile court may not enter an order for adoption of a child under this Part III of this subtitle before the later of:

(1) 30 days after the birth of the child;

(2) expiration of the time set for revocation of consent, and not waived, under § 5–339 of this subtitle; or

(3) expiration of the time to respond to show–cause orders issued under this subtitle.

§5–337.

(a) In ruling on a petition for a child's adoption under this Part III of this subtitle, a juvenile court shall consider:

(1) any assurance by a local department to fund needed support for the child;

(2) all factors necessary to determine the child's best interests; and

(3) a report by a child placement agency, completed in accordance with Department regulations, as to:

(i) the suitability of the petitioner to be the child's parent; and

(ii) the child's successful placement with the petitioner under the supervision of the local department or its agent for at least 180 days or a shorter period allowed by the juvenile court on recommendation of the local department.

(b) In ruling on an adoption petition under this Part III of this subtitle, a juvenile court may not deny the petition solely because the petitioner is single or unmarried.

(c) If a parent consents to adoption in accordance with § 5-338 of this subtitle, loss of parental rights shall be considered voluntary.

§5–338.

(a) A juvenile court may enter an order for a child's adoption under this Part

III of this subtitle only if:

(1) (i) both the child's parents are dead;

(ii) an administrative, executive, or judicial body of a state or other jurisdiction has granted a governmental unit or person other than a parent the power to consent to adoption, and the unit or person consents;

(iii) parental rights have been terminated in compliance with the laws of a state or other jurisdiction, as described in § 5–305 of this subtitle; or

(iv) 1. at least one of the child's parents:

A. is represented by an attorney;

B. has had an opportunity to receive adoption counseling and guidance services; and

C. consents to the adoption:

I. in writing; or

II. knowingly and voluntarily, on the record before the juvenile court; and

2. the parent who does not consent:

A. is dead; or

B.

I. despite reasonable efforts as provided in § 5–316 of this subtitle, cannot be located;

II. has not contacted the local department with custody of the child or the child for at least 180 days immediately before the filing of the petition; and

III. fails to respond to a show–cause order served under § 5–334 of this subtitle;

(2) the director of the local department with custody of the child consents; and

(3) the child:

(i) is represented by an attorney; and

(ii) 1. if at least 10 years old, consents; or

2. if under the age of 10 years, does not object.

(b) (1) (i) In this subsection, "disability" means:

1. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

2. a mental impairment or deficiency;

3. a record of having a physical or mental impairment as defined under this paragraph; or

4. being regarded as having a physical or mental impairment as defined under this paragraph.

(ii) "Disability" includes:

1. any degree of paralysis or amputation;

2. blindness or visual impairment;

3. deafness or hearing impairment;

4. muteness or speech impediment;

5. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and

6. intellectual disability, as defined in § 7–101 of the Health – General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(2) A local department may not withhold consent for the sole reason that:

(i) the race, religion, color, or national origin of a prospective adoptive parent differs from that of the child or parent; or

(ii) a prospective adoptive parent has a disability.

§5–339.

(a) (1) Consent of a parent to an adoption under this Part III of this subtitle may include:

(i) a provision barring a petitioner from learning identifying information about the parent; and

(ii) a waiver of the right to notice of further proceedings under this

Part III of this subtitle.

(2) Consent to adoption entered into before a judge on the record shall include a waiver of the revocation period.

(3) Consent of a party to an adoption under this Part III of this subtitle is not valid unless:

(i) the consent is given in a language that the party understands;

(ii) if given in a language other than English, the consent:

1. is given before a judge on the record; or

2. is accompanied by the affidavit of a translator stating that the translation of the document of consent is accurate;

(iii) the consent names the child;

(iv) the consent contains enough information to identify the prospective adoptive parent;

(v) the party has received written notice or on–the–record notice of:

1. the revocation provisions in subsections (a)(2) and (b)(1) of this section;

2. the search rights of adoptees and parents under § 5–359 of this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of this title; and

3. the right to file a disclosure veto under § 5–359 of this subtitle; and

(vi) the consent is accompanied by an affidavit of counsel appointed under § 5–307(a) of this subtitle, stating that a parent who is a minor or has a disability consents knowingly and voluntarily.

(b) (1) Subject to paragraph (2) of this subsection, a parent may revoke consent to adoption under this Part III of this subtitle at any time within the later of:

(i) 30 days after the parent signs the consent; or

(ii) 30 days after the adoption petition is filed.

(2) Consent to adoption under subsection (a)(2) of this section is irrevocable.

(c) A local department may revoke consent to an adoption under this Part III of

this subtitle at any time before a juvenile court enters an order of adoption under this Part III of this subtitle.

(d) A child may revoke consent or object to an adoption under this Part III of this subtitle at any time before a juvenile court enters an order of adoption under this Part III of this subtitle.

§5–340.

If a petition for adoption under this Part III of this subtitle is contested, a juvenile court shall dismiss the petition.

§5–341.

(a) (1) This subsection does not limit the right of an individual to provide for distribution of property by will.

(2) Except as provided in § 2-123 of the Real Property Article, after a juvenile court enters an order for adoption under this Part III of this subtitle:

(i) the adoptee:

1. is the child of the adoptive parent for all intents and purposes; and

2. is entitled to all of the rights and privileges of and is subject to all of the obligations of offspring born to the adoptive parent;

(ii) each of the adoptee's living parents is:

1. relieved of all parental duties and obligations to the adoptee; and

2. divested of all parental rights as to the adoptee; and

(iii) the Estates and Trusts Article shall govern all of the rights of inheritance between the adoptee and parental relatives.

(b) An order for adoption under this Part III of this subtitle terminates all pending CINA cases as to the adoptee.

(c) Adoption of an adult has the same legal effect as adoption of a minor.

(d) (1) When a juvenile court enters an order for a child's adoption under this Part III of this subtitle, the juvenile court shall send notice to:

(i) each juvenile court that has a pending CINA case as to the adoptee;

(ii) each of the child's living, former parents who has not waived the right to notice;

(iii) each living parent's last attorney of record in the CINA case; and

(iv) the child's last attorney of record in the CINA case.

(2) Service on a parent under this subsection shall be at the parent's last address known to the juvenile court.

§5–342.

If a petition to invalidate an order for adoption under this Part III of this subtitle on the basis of a jurisdictional or procedural defect is filed more than 1 year after entry of the order, a juvenile court shall dismiss the petition.

§5–345.

(a) If, after termination of parental rights as to a child, there is an open guardianship case, a petition for adoption of the child may be filed only as provided in this Part IV of this subtitle.

(b) (1) Any adult may petition a juvenile court for an adoption under this Part IV of this subtitle.

(2) If a petitioner under this section is married, the petitioner's spouse shall join in the petition unless the spouse:

(i) is separated from the petitioner under a circumstance that gives the petitioner a ground for annulment or divorce; or

(ii) is not competent to join in the petition.

(c) (1) A petitioner under this section shall attach to a petition:

(i) 1. all written consents required under § 5-350 of this subtitle; or

2. if applicable:

A. proof of guardianship or relinquishment of parental rights granted by an administrative, executive, or judicial body of a state or other jurisdiction; and

B. certification that the guardianship or relinquishment was granted in compliance with the jurisdiction's laws;

(ii) a copy of an agreement, if any, for postadoption contact; and

(iii) a notice of filing that:

1. states the date on which the petition was filed;

2. identifies each governmental unit or person whose consent was filed with the petition;

3. if applicable, states that a postadoption agreement was filed with the petition; and

4. includes no identifying information that would be in violation of an agreement or consent.

(2) In addition to a copy of an agreement for postadoption contact, a petitioner shall file the original agreement under seal.

(d) If the marital status of a petitioner changes before entry of an order, the petitioner shall amend the petition accordingly.

§5–346.

(a) Within 5 days after a petition for adoption of a child is filed under this Part IV of this subtitle with a juvenile court, the clerk shall send a copy of the petition, with the notice of filing that was attached to the petition, to:

(1) the local department; and

(2) the child's last attorney of record in the guardianship case.

(b) Notice under this section shall be by first-class mail.

§5–347.

(a) A juvenile court shall hold a hearing before entering an order for adoption under this Part IV of this subtitle.

(b) Before a hearing under this section, a juvenile court shall give notice to all of the parties.

§5–348.

(a) Subject to subsection (b) of this section, a juvenile court shall rule on the adoption petition under this Part IV of this subtitle promptly but no later than 180 days after the petition is filed.

(b) A juvenile court may not enter an order for adoption of a child under this Part IV of this subtitle before the later of:

(1) 30 days after the birth of the child; or

(2) 10 days after the notice is served under § 5-346 of this subtitle.

§5–349.

(a) In ruling on a petition for a child's adoption under this Part IV of this subtitle, a juvenile court shall consider:

(1) any assurance by the local department to fund needed support for the child;

(2) all factors necessary to determine the child's best interests; and

(3) a report by a child placement agency, completed in accordance with Department regulations, as to:

(i) the suitability of the petitioner to be the child's parent; and

(ii) the child's successful placement for adoption with the petitioner under the supervision of the local department or its agent for at least 180 days or a shorter period allowed by the juvenile court on recommendation of the local department.

(b) In ruling on a petition for adoption under this Part IV of this subtitle, a juvenile court may not deny a petition for adoption solely because the petitioner is single or unmarried.

§5–350.

(a) A juvenile court may enter an order for a child's adoption under this Part IV of this subtitle only if:

(1) for an individual under the age of 18 years, the individual's guardian consents; and

(2) for an individual who is at least 10 years old, the individual consents.

(b) (1) (i) In this subsection, "disability" means:

1. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

2. a mental impairment or deficiency;

3. a record of having a physical or mental impairment as defined under this paragraph; or

4. being regarded as having a physical or mental impairment as defined under this paragraph.

(ii) "Disability" includes:

1. any degree of paralysis or amputation;

2. blindness or visual impairment;

3. deafness or hearing impairment;

4. muteness or speech impediment;

5. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and

6. intellectual disability, as defined in § 7–101 of the Health – General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(2) A guardian may not withhold consent for the sole reason that:

(i) the race, religion, color, or national origin of a prospective adoptive parent differs from that of the child or parent; or

(ii) a prospective adoptive parent has a disability.

§5–351.

(a) Consent of a party to an adoption under this Part IV of this subtitle is not valid unless:

(1) the consent is given in a language that the party understands;

(2) if given in a language other than English, the consent:

(i) is given before a judge on the record; or

(ii) is accompanied by the affidavit of a translator stating that the translation of the document of consent is accurate;

(3) the consent names the child;

(4) the consent contains enough information to identify the prospective adoptive parent; and

(5) the party has received written notice or on-the-record notice of:

(i) the revocation provisions in this section;

(ii) the search rights of adoptees and parents under § 5-359 of this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of

this title; and

(iii) the right to file a disclosure veto under § 5-359 of this subtitle.

(b) A guardian may revoke consent to an adoption under this Part IV of this subtitle at any time before a juvenile court enters an order of adoption under this Part IV of this subtitle.

(c) A child may revoke consent to an adoption under this Part IV of this subtitle at any time before a juvenile court enters an order of adoption under this Part IV of this subtitle.

§5–352.

(a) (1) This subsection does not limit the right of an individual to provide for distribution of property by will.

(2) Except as provided in § 2-123 of the Real Property Article, after a juvenile court enters an order for adoption under this Part IV of this subtitle:

(i) the adoptee:

1. is the child of the adoptive parent for all intents and purposes; and

2. is entitled to all of the rights and privileges of and is subject to all of the obligations of offspring born to the adoptive parent;

(ii) each of the adoptee's living parents is:

1. relieved of all parental duties and obligations to the adoptee; and

2. divested of all parental rights as to the adoptee; and

(iii) the Estates and Trusts Article shall govern all of the rights of inheritance between the adoptee and parental relatives.

(b) An order for adoption under this Part IV of this subtitle terminates all pending guardianship cases as to the adoptee.

(c) Adoption of an adult has the same legal effect as adoption of a minor.

(d) (1) When a juvenile court enters an order for a child's adoption under this Part IV of this subtitle, the juvenile court shall send notice to:

(i) each juvenile court that has a pending guardianship case as to the adoptee;

(ii) each of the child's living, former parents who has not waived the right to notice;

(iii) the former parent's last attorney of record in the guardianship case; and

(iv) the child's last attorney of record in the guardianship case.

(2) Service on a former parent under this subsection shall be at the parent's last address known to the juvenile court.

§5–353.

If a petition to invalidate an order for adoption under this Part IV of this subtitle on the basis of a jurisdictional or procedural defect is filed more than 1 year after entry of the order, a juvenile court shall dismiss the petition.

§5–356.

(a) A local department shall make reasonable efforts to compile and make available to a prospective adoptive parent:

(1) all of the prospective adoptee's medical and mental health records that the local department has; or

(2) a comprehensive medical and mental health history of the prospective adoptee.

(b) On request of an adoptive or prospective adoptive parent, a local department shall make reasonable efforts to compile a pertinent medical and mental health history of each of the prospective adoptee's or adoptee's parents or former parents, if available to the local department, and to make the history available to the adoptive or prospective adoptive parent.

(c) (1) If, after adoption, a local department receives medical or mental health information about the adoptee or adoptee's former parent, the local department shall make reasonable efforts to make the information available to the adoptive parent.

(2) If, after adoption, the adoptive parent requests additional information, the local department shall make reasonable efforts to notify the former parent, at the former parent's last known address available to the local department, of the request and the reason for the request.

(d) A medical or mental health history compiled under this section may not contain identifying information about a parent or former parent.

§5–357.

(a) (1) (i) On request of an adoptee or adoptive or former parent of an adoptee and without a showing of a need, a local department shall provide information, other than identifying information, in its adoption record on the adoptee.

(ii) If a local department denies a request under this paragraph, then on petition of an adoptee or adoptive or former parent and without a showing of need, a juvenile court shall order access for the petitioner to inspect, in accordance with subsection (b) of this section, the local department's record on the adoptee.

(2) On petition of an adoptee or adoptive or former parent of an adoptee and without a showing of need, a juvenile court shall order access for the petitioner to inspect, in accordance with subsection (b) of this section, the juvenile court's record on the adoptee.

(b) A juvenile court may not order opened for inspection under this section any part of a record that contains identifying information.

§5–358.

(a) If, after a hearing on a petition of an adoptee or former parent, a juvenile court is satisfied that the adoptee or blood relative of the adoptee or former parent urgently needs medical information not in local department and juvenile court records, the juvenile court may appoint an intermediary to try to contact the adoptee or a former parent of the adoptee for the information.

(b) An intermediary appointed under this section:

(1) may only advise an adoptee or former parent of the need for medical information; and

(2) may not:

(i) reveal any identifying information about an adoptee or former parent; or

(ii) try, in any manner, to encourage or discourage contact between an adoptee and former parent.

(c) An intermediary appointed under this section shall file with the appointing juvenile court a confidential written report on the intermediary's efforts to contact an adoptee or former parent.

(d) When a juvenile court receives a report from an intermediary, the juvenile court may disclose to the adoptee or former parent, without revealing identifying information about an adoptee or former parent:

(1) whether the intermediary advised an adoptee or former parent about the need for medical information; and

(2) medical information that the adoptee or a former parent provided.

(e) Notwithstanding any other provision of law, a juvenile court may order an adoptee or former parent to pay a reasonable fee for the services of an intermediary under this section.

§5–359.

(a) (1) In this section the following words have the meanings stated.

(2) "Director" means the State Director of Social Services.

(3) "Secretary" means the Secretary of Health and Mental Hygiene.

(b) This section applies only to an adoption in which a juvenile court enters an order for adoption on or after January 1, 2000.

(c) This section does not bar:

(1) an adoptee or biological parent from applying for search, contact, and reunion services under Subtitle 4B of this title; or

(2) the Director or a confidential intermediary from obtaining a copy of a record under § 5-4B-04(c) or § 5-4B-06(b) or (c) of this title.

(d) (1) An adoptee who is at least 21 years old may apply to the Secretary for a copy of:

(i) the adoptee's original certificate of birth;

(ii) all records that relate to the adoptee's new certificate of birth, if any; and

(iii) the report of the adoptee's order of adoption filed by the clerk of court under § 4-211 of the Health - General Article.

(2) If an adoptee is at least 21 years old, a biological parent of the adoptee may apply to the Secretary for a copy of:

(i) the adoptee's original certificate of birth;

(ii) the new certificate of birth, if any, that was substituted, under § 4-211 of the Health - General Article, for the adoptee's original certificate of birth;

(iii) all records that relate to the adoptee's new certificate of birth; and

(iv) the report of the adoptee's order of adoption filed by the clerk of court under § 4-211 of the Health - General Article.

(3) Each applicant under this subsection shall:

(i) provide all proof of identity and other relevant information that the Secretary requires; and

(ii) pay the fee required under Title 4, Subtitle 2 of the Health - General Article for a copy of a record.

(e) (1) A biological parent may:

(i) file with the Director a disclosure veto, to bar disclosure of information about that parent in a record accessible under this section;

(ii) cancel a disclosure veto at any time; and

(iii) refile a disclosure veto at any time.

(2) An adoptee at least 21 years old may:

(i) file with the Director a disclosure veto, to bar disclosure of information about the adoptee in a record accessible under this section;

(ii) cancel a disclosure veto at any time; and

(iii) refile a disclosure veto at any time.

(3) Immediately after the Director receives a disclosure veto or cancellation under this subsection, the Director shall forward a copy to the Secretary.

(f) (1) The Secretary shall adopt regulations to carry out this section.

(2) Subject to paragraphs (3) and (4) of this subsection, the Secretary shall give to each applicant who meets the requirements of this section a copy of each record that the applicant requested and that the Secretary has on file.

(3) Whenever a biological parent applies for a record, the Secretary shall redact from the copy all information as to:

(i) the other biological parent, if that parent has filed a disclosure veto in accordance with this section; and

(ii) the adoptee and each adoptive parent, if the adoptee has filed a disclosure veto in accordance with this section.

(4) Whenever an adoptee applies for a record, the Secretary shall redact from the copy all information as to a biological parent, if that parent has filed a

disclosure veto in accordance with this section.

(5) The Secretary shall give each applicant under this section notice of the adoption search, contact, and reunion services available under Subtitle 4B of this title.

§5–360.

(a) Subject to subsection (b) of this section, access to a dental or medical record of an adopted minor may not be denied to a parent of the minor because the parent is an adoptive parent.

(b) Access to a dental or medical record under this section may not include access to any part of the record that has identifying information as to a former parent of the minor.

§5–362.

(a) Except as otherwise provided by law, a person may not charge or receive, from or for a parent or prospective adoptive parent, any compensation for a service in connection with:

(1) placement of an individual to live with a preadoptive parent, as defined in § 3-823(i)(1) of the Courts Article; or

(2) an agreement for custody in contemplation of adoption.

(b) (1) In this subsection, "Administration" means the Social Services Administration of the Department.

(2) This section does not:

(i) prohibit payment, by an interested person, of a customary and reasonable charge or fee for hospital, legal, or medical services; or

(ii) prevent the Administration, or a person that the Administration licenses or supervises, from receiving and accepting reasonable reimbursement for costs of an adoptive service in connection with adoption, if:

1. the reimbursement is in accordance with standards set by regulation of the Administration; and

2. the ability to provide this reimbursement does not affect:

A. the acceptability of any individual for adoptive services; or

B. the choice of the most suitable prospective adoptive parent.

(c) Each State's Attorney shall enforce this section.

(d) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 or imprisonment not exceeding 3 months or both, for each offense.

§5–3A–01.

(a) In this subtitle the following words have the meanings indicated.

(b) "Child" means an individual who is the subject of a guardianship or adoption petition under this subtitle.

(c) "Guardianship" means an award, under this subtitle, of any power of a guardian.

(d) "Identifying information" means information that reveals the identity or location of an individual.

(e) (1) "Parent" means an individual who, at the time a petition for guardianship or adoption is filed under this subtitle or at any time before a court terminates the individual's parental rights:

(i) meets a criterion in § 5-3A-06(a) of this subtitle; or

(ii) is the mother.

(2) "Parent" does not include an individual whom a court has adjudicated not to be a father or mother.

§5–3A–02.

(a) This subtitle applies only to:

(1) guardianship by a child placement agency of a child other than a child in need of assistance; and

(2) adoption of the child.

(b) Except as expressly provided in this subtitle, this subtitle does not apply to any case pending on or before December 31, 2005.

§5–3A–03.

(a) The General Assembly finds that the policies and procedures of this subtitle are desirable and socially necessary.

(b) The purposes of this subtitle are to:

(1) timely provide permanent and safe homes for children consistent with their best interests;

(2) protect children from unnecessary separation from their parents;

(3) ensure adoption only by individuals fit for the responsibility;

(4) protect parents from making hurried or ill-considered agreements to terminate parental rights;

(5) protect prospective adoptive parents by providing them information about prospective adoptees and their backgrounds; and

(6) protect adoptive parents from a future disturbance of their relationship with adoptees by former parents.

§5–3A–04.

This subtitle is related to and should be read in relation to Subtitle 5 of this title.

§5–3A–05.

(a) In this section, "order" includes any action that, under the laws of another jurisdiction, has the force and effect of a comparable judicial order under this subtitle.

(b) In accordance with the United States Constitution, this State shall accord full faith and credit to:

(1) an order of another state as to adoption or guardianship in compliance with the other state's laws; and

(2) termination of parental rights in compliance with the other state's laws.

(c) As to a jurisdiction other than a state:

(1) an order for adoption or guardianship entered in compliance with the jurisdiction's laws shall have the same legal effect as an order for adoption or guardianship entered in this State; and

(2) termination of parental rights in compliance with the jurisdiction's laws shall have the same legal effect as termination of parental rights in this State.

(d) This section may not be construed to require an individual to petition a court in this State for adoption of an adoptee if:

(1) the individual adopted the adoptee in compliance with the laws of a jurisdiction other than a state; and

(2) the United States Citizenship and Immigration Services verifies the validity of that adoption by granting, under the federal Immigration and Nationality Act, an IR-3 visa for the adoptee.

§5–3A–06.

(a) Unless a court excludes a man as the father of a child, a man is the father if:

(1) the man was married to the child's mother at the time of the child's conception;

(2) the man was married to the child's mother at the time of the child's birth;

(3) the man is named as the father on the child's birth certificate and has not signed a denial of paternity;

(4) the child's mother has named the man as the child's father and the man has not signed a denial of paternity;

(5) the man has been adjudicated to be the child's father;

(6) the man has acknowledged himself, orally or in writing, to be the child's father and the mother agrees; or

(7) on the basis of genetic testing, the man is indicated to be the child's biological father.

(b) (1) A petitioner under this subtitle shall give a court notice that a man who is not named in the petition and has not been excluded as a father claims paternity.

(2) After a request of a party or claimant and before ruling on a petition for guardianship or adoption under this subtitle, a court shall hold a hearing on the issue of paternity.

§5–3A–07.

(a) (1) In a case under this subtitle, a court shall appoint an attorney to represent a parent who:

(i) has a disability that makes the parent incapable of effectively participating in the case; or

(ii) when the parent must decide whether to consent under this subtitle, is still a minor.

(2) To determine whether a disability makes a parent incapable of effectively participating in a case, a court, on its own motion or on motion of a party, may order examination of the parent.

(b) (1) In an adoption proceeding under this subtitle, a court shall appoint an attorney to represent a prospective adoptee who:

(i) is at least 10 years old; and

(ii) 1. is a minor; or

2. has a disability that makes the prospective adoptee incapable of effectively participating in the proceeding.

(2) To determine whether a disability makes a child incapable of effectively participating in a case, a court, on its own motion or on motion of a party, may order examination of the child.

(c) An attorney or firm:

(1) may represent more than one party in a case under this subtitle only if the Maryland Rules of Professional Conduct allow; and

(2) may not represent a prospective adoptive parent and parent in the same case.

(d) Counsel appointed under this section may be compensated for reasonable fees, as approved by the court.

§5–3A–08.

(a) (1) A prospective adoptive parent and parent of a prospective adoptee under this subtitle may enter into a written agreement to allow contact, after the adoption, between:

(i) the parent or other relative of the adoptee; and

(ii) the adoptee or adoptive parent.

(2) An adoptive parent and former parent of an adoptee under this subtitle may enter into a written agreement to allow contact between:

(i) a relative or former parent of the adoptee; and

(ii) the adoptee or adoptive parent.

(b) An agreement made under this section applies to contact with an adoptee only while the adoptee is a minor.

(c) An individual who prepares an agreement described in subsection (a)(1) of this section:

(1) shall provide a copy to each party in a case pending as to the prospective adoptee under this subtitle; and

(2) if the agreement so provides, shall redact identifying information from

all copies.

(d) Failure to comply with a condition of an agreement made under this section is not a ground for revoking consent to, or setting aside an order for, adoption or guardianship.

(e) If a dispute as to an agreement made under this section arises, a court may order the parties to engage in mediation to try to resolve the dispute.

(f) (1) A court shall enforce a written agreement made in accordance with this section unless enforcement is not in the adoptee's best interests.

(2) If a party moves to modify a written agreement made in accordance with this section and satisfies the court that modification is justified because an exceptional circumstance has arisen and the court finds modification to be in an adoptee's best interests, the court may modify the agreement.

§5–3A–09.

A court may assign among the parties to a case under this subtitle, as the court considers appropriate, counsel fees and the cost of testing under § 5-3A-06 of this subtitle.

§5–3A–10.

A party to a case under this subtitle may appeal to the Court of Special Appeals from an interlocutory or final order.

§5–3A–13.

(a) Only a child placement agency may petition for guardianship under this subtitle.

(b) A court may grant guardianship under this subtitle only for a minor.

(c) A petitioner shall attach to a petition:

(1) all written consents for the guardianship that the petitioner has; and

(2) if applicable:

(i) proof of guardianship or relinquishment of parental rights granted by an administrative, executive, or judicial body of a state or other jurisdiction; and

(ii) certification that the guardianship or relinquishment was granted in compliance with the jurisdiction's laws.

§5–3A–14.

(a) Within 5 days after a petition for guardianship of a child is filed with a court, the clerk shall send a copy of the petition and notice of filing to:

(1) each of the child's living parents who has not waived the right to notice; and

(2) each living parent's attorney of record.

(b) Notice under this section shall be by first-class mail.

(c) Notice to a parent under this section shall be sent to a parent's last address known to the court.

§5–3A–15.

(a) On issuance of a show cause order as to guardianship of a child, a petitioner shall serve the order on each of the child's living parents who has not consented to the guardianship.

(b) Service under this section shall be by:

(1) personal service; or

(2) certified mail, restricted delivery, return receipt requested.

(c) Service on a parent under this section shall be attempted at the parent's last address known to the petitioner.

(d) (1) If a court is satisfied, by affidavit or testimony, that, after reasonable efforts in good faith, a petitioner could not identify a parent or could not effect service on a parent, the court shall order service through notice by publication as to that parent.

(2) Notice under this subsection shall consist of substantially the following statement:

To: (Father's name) To: (Mother's name) To: Unknown parent

"You are hereby notified that a guardianship case has been filed in the circuit court for (county name), case no. (number). All persons who believe themselves to be parents of a (male or female) child born on (date of birth) in (city, state) to (mother's and father's names and dates of birth) shall file a written response. A copy of the show cause order may be obtained from the clerk's office at (address) and (telephone number). If you do not file a written objection by (deadline), you will have agreed to the permanent loss of your parental rights to this child."

(3) Service under this subsection shall be by:

(i) publication at least once in one or more newspapers in general circulation in the county where the parent last resided or, if unknown, where the petition is filed; and

(ii) posting for at least 30 days on a website of the Department.

(4) The Department may charge a petitioner a reasonable fee to cover the cost of posting.

§5–3A–16.

Before ruling on a guardianship petition, a court may order any investigation that the court considers necessary.

§5–3A–17.

(a) Subject to subsection (b) of this section, a court shall rule on a guardianship petition under this subtitle within 180 days after the petition is filed.

(b) A court may not enter a final order for guardianship under this subtitle until the later of expiration of the time for:

(1) revocation of consent; or

(2) the filing of a response to an order to show cause.

§5–3A–18.

(a) A court may grant a guardianship of a child only if:

(1) each of the child's living parents consents:

(i) in writing; or

(ii) by failure to timely file notice of objection after being served with a show cause order in accordance with this subtitle;

(2) an administrative, executive, or judicial body of a state or other jurisdiction has granted a governmental unit or person other than a parent the power to consent to adoption, and the governmental unit or person consents; or

(3) parental rights have been terminated in compliance with the laws of a state or other jurisdiction, as described in § 5-3A-05 of this subtitle.

(b) A governmental unit or person:

(1) may condition consent or acquiescence on adoption into a specific family that a child placement agency has approved for the placement; but

(2) may not condition consent or acquiescence on any factor other than placement into a specific family.

§5–3A–19.

(a) (1) Consent of a parent may include a waiver of the right to notice of:

(i) the filing of a petition under this subtitle; and

(ii) further proceedings under this subtitle.

(2) Consent to guardianship is not valid unless the consent:

(i) is given after the child for whom guardianship is sought is born;

(ii) is given in a language that the party understands;

(iii) if given in a language other than English:

1. is given before a judge on the record; or

2. is accompanied by the affidavit of a translator stating that the translation of the document of consent is accurate;

(iv) contains an express notice of:

1. the right to revoke consent, at any time within 30 days after the person signs the consent, unless the revocation is barred under subsection (b)(2) of this section;

2. the search rights of adoptees and parents under § 5-3A-42 of this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of this title; and

3. the right to file a disclosure veto under § 5-3A-42 of this subtitle; and

(v) is accompanied by an affidavit of counsel appointed under § 5-3A-07(a) of this subtitle stating that a parent who is a minor or has a disability consents knowingly and voluntarily.

(b) (1) Subject to paragraph (2) of this subsection, a person may revoke consent to guardianship at any time within 30 days after the person signs the consent.

(2) A parent may not revoke consent for guardianship of a child if:

(i) in the preceding year, the parent has revoked consent for or filed a notice of objection to guardianship of the child; and

(ii) the child is at least 30 days old and consent is given before a judge on the record.

(c) If a petitioner becomes aware, before a court rules on a petition, that a condition of consent under § 5-3A-18(b) of this subtitle cannot be fulfilled, the petitioner promptly shall:

(1) file notice with the court;

(2) give notice to all of the other parties;

(3) if consent was received from a governmental unit or person who is not a party, give notice to that unit or person; and

(4) (i) if the unit or person enters into a new consent, file the consent with the court; or

(ii) if the unit or person fails to enter into a new consent, dismiss the petition.

§5–3A–20.

(a) If all consents for guardianship of a child have been given in accordance with this subtitle, a court may enter an order for guardianship.

(b) (1) Within 5 days after entry of an order under this section, a court shall notify each party to the case who has not waived the right to notice.

(2) Notice under this subsection shall be by first-class mail.

(3) Notice under this subsection shall be sent to a party's last address known to the court.

§5–3A–21.

In an order entered under this subtitle, a court shall document:

(1) the response by each party to the guardianship petition; and

(2) the waiver, if any, of a parent to notice of further proceedings.

§5–3A–22.

(a) An order for guardianship of an individual:

(1) except as provided in § 5-3A-23 of this subtitle, § 4-414 of the Estates and Trusts Article, and § 2-123 of the Real Property Article, terminates a parent's duties, obligations, and rights toward the individual;

(2) eliminates the need for notice to a parent as to the filing of an adoption petition;

(3) eliminates the need for further consent of a parent to adoption of the individual; and

(4) grants guardianship of the individual to a child placement agency.

(b) (1) Unless a court gives legal custody to another person, a child's guardian under this subtitle has legal custody.

(2) Unless a court orders otherwise and subject to review by the court, a child's guardian may make all decisions affecting the child's education, health, and welfare, including consenting to:

(i) adoption of the child;

(ii) application by the child for a driver's license;

(iii) enlistment by the child in the armed forces;

(iv) marriage of the child; and

(v) medical, psychiatric, or surgical treatment.

§5–3A–23.

(a) (1) A child placement agency shall file a written report with a court with jurisdiction over a child whenever:

(i) the child placement agency fails to place the child for adoption with a preadoptive parent, as defined in § 3-823(i)(1) of the Courts Article:

1. within 270 days after being awarded guardianship; or

2. within 180 days after permanently removing the child from another placement; or

(ii) a court does not enter a final order of adoption within 2 years after the placement.

(2) A report under this subsection shall state each reason for the delay in placement or adoption.

(b) (1) Whenever a child placement agency files a report under this section, the child placement agency shall mail notice of the child's status:

(i) to each of the child's living parents who has not waived the right to notice and, if represented, counsel; and

(ii) if a court appointed counsel for the child under this subtitle, to the child's last attorney of record.

(2) A waiver of rights under this subsection is not valid unless the waiver appears expressly in:

(i) the parent's consent to guardianship; and

(ii) the guardianship order.

(c) (1) Whenever a court receives a report under this section, the court shall hold a hearing to:

(i) review the progress that the child placement agency has made toward adoption of the child; and

(ii) take all actions that the court considers to be in the child's best interests.

(2) Each year after a hearing under paragraph (1) of this subsection until the court's jurisdiction terminates, the court shall hold another review hearing.

§5–3A–24.

If a petitioner becomes aware, after a court rules on a petition, that a condition of consent under § 5-3A-18(b) of this subtitle cannot be fulfilled, the petitioner promptly shall:

(1) file notice with the court;

(2) give notice to all of the other parties;

(3) if consent was received from a governmental unit or person who is not a party, give notice to that unit or person; and

(4) (i) if the unit or person enters into a new consent, file the consent with the court;

(ii) if the unit or person fails to enter into a new consent, ask the court to set aside the guardianship order; or

(iii) if the unit or person cannot be located after exhaustion of the service requirements under § 5-3A-15 of this subtitle, ask the court to determine whether it is in the child's best interests to continue the guardianship despite the inability to fulfill the condition.

§5–3A–25.

(a) Unless terminated sooner, a court retains jurisdiction over a child until the

child attains 18 years of age.

(b) An order for adoption of a child terminates the child's guardianship case.

§5–3A–29.

(a) Any adult may petition a court for an adoption under this subtitle.

(b) A petitioner may petition for adoption of a child 180 days or more after a child placement agency places the child with the petitioner.

(c) (1) If a petitioner under this section is married, the petitioner's spouse shall join in the petition unless the spouse:

(i) is separated from the petitioner under a circumstance that gives the petitioner a ground for annulment or divorce; or

(ii) is not competent to join in the petition.

(2) If the marital status of a petitioner changes before entry of a final order, the petitioner shall amend the petition accordingly.

§5–3A–30.

A petitioner for adoption under this subtitle shall give notice of the filing of an adoption petition to each person whose consent is required.

§5–3A–31.

Before a court enters an order for adoption of a child under this subtitle, a child placement agency shall file a written report on:

(1) the suitability of the petitioner to adopt the child; and

(2) the relationship between the petitioner and child.

§5–3A–32.

A court shall hold a hearing before entering an order for adoption under this subtitle.

§5–3A–33.

A court may not enter an order for adoption under this subtitle until 30 days after entry of a guardianship order under this subtitle.

§5–3A–34.

(a) In ruling on a petition for a child's adoption under this Part III of this

subtitle, a court shall consider:

(1) all factors necessary to determine the child's best interests; and

(2) the report required under § 5-3A-31 of this subtitle.

(b) In ruling on an adoption petition under this Part III of this subtitle, a court may not deny the petition solely because the petitioner is single or unmarried.

§5–3A–35.

(a) A court may enter an order for a child's adoption under this subtitle only if:

(1) the child placement agency consents; and

(2) for a child who is at least 10 years old, the child consents.

(b) (1) (i) In this subsection, "disability" means:

1. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

2. a mental impairment or deficiency;

3. a record of having a physical or mental impairment as defined under this paragraph; or

4. being regarded as having a physical or mental impairment as defined under this paragraph.

(ii) "Disability" includes:

1. any degree of paralysis or amputation;

2. blindness or visual impairment;

3. deafness or hearing impairment;

4. muteness or speech impediment;

5. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and

6. intellectual disability, as defined in § 7–101 of the Health – General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(2) A child placement agency may not withhold consent for the sole reason

that:

(i) the race, religion, color, or national origin of a prospective adoptive parent differs from that of the child or parent; or

(ii) a prospective adoptive parent has a disability.

(c) Consent of a party to an adoption under this Part III of this subtitle is not valid unless:

(1) the consent is given in a language that the party understands;

(2) if given in a language other than English, the consent:

(i) is given before a judge on the record; or

(ii) is accompanied by the affidavit of a translator stating that the translation of the document of consent is accurate;

(3) the consent names the child;

(4) the consent contains enough information to identify the prospective adoptive parent; and

(5) the party has received written notice or on-the-record notice of:

(i) the revocation provisions in this section;

(ii) the search rights of adoptees and parents under § 5-3A-42 of this subtitle and the search rights of adoptees, parents, and siblings under Subtitle 4B of this title; and

(iii) the right to file a disclosure veto under § 5-3A-42 of this subtitle.

(d) (1) A child placement agency may revoke consent at any time within the later of:

(i) 14 days after the child placement agency signs the consent; or

(ii) 14 days after the adoption petition is filed.

(2) A child who is at least 10 years old may revoke consent at any time before a court enters an order of adoption under this subtitle.

§5–3A–36.

(a) (1) This subsection does not limit the right of an individual to provide for distribution of property by will.

(2) Except as provided in § 2-123 of the Real Property Article, after a court enters an order for adoption under this subtitle:

(i) the adoptee:

1. is the child of the adoptive parent for all intents and purposes; and

2. is entitled to all of the rights and privileges of and is subject to all of the obligations of offspring born to the adoptive parent;

(ii) each of the adoptee's living parents is:

1. relieved of all parental duties and obligations to the adoptee; and

2. divested of all parental rights as to the adoptee; and

(iii) the Estates and Trusts Article shall govern all of the rights of inheritance between the adoptee and parental relatives.

(b) An order for adoption under this subtitle terminates all pending guardianship cases as to the adoptee.

(c) Adoption of an adult has the same legal effect as adoption of a minor.

(d) (1) When a court enters an order for a child's adoption under this subtitle, the court shall send notice to:

(i) each court that has a pending guardianship case as to the adoptee;

(ii) each of the child's living, former parents who has not waived the right to notice; and

(iii) the former guardian of the child.

(2) Service on a parent under this subsection shall be at the parent's last address known to the court.

§5–3A–37.

If a petition to invalidate an order for adoption under this subtitle on the basis of a jurisdictional or procedural defect is filed more than 1 year after entry of the order, a court shall dismiss the petition.

§5–3A–39.

(a) A child placement agency shall make reasonable efforts to compile and make

available to a prospective adoptive parent:

(1) all of the prospective adoptee's medical and mental health records that the agency has; or

(2) a comprehensive medical and mental health history of the prospective adoptee.

(b) On request of a prospective adoptive parent, a child placement agency shall make reasonable efforts to compile a pertinent medical and mental health history of each of the prospective adoptee's parents, if available to the agency, and to make the history available to the prospective adoptive parent.

(c) (1) If, after adoption, a child placement agency receives medical or mental health information about the adoptee or adoptee's former parent, the agency shall make reasonable efforts to make the information available to the adoptive parent.

(2) If, after adoption, the adoptive parent requests additional information, the child placement agency shall make reasonable efforts to notify the former parent, at the former parent's last known address available to the agency, of the request and the reason for the request.

(d) A medical or mental health history compiled under this section may not contain identifying information as to a parent.

§5–3A–40.

(a) (1) (i) On request of an adoptee or adoptive or former parent of an adoptee and without a showing of a need, a child placement agency shall provide information, other than identifying information, in its adoption record on the adoptee.

(ii) If a child placement agency denies a request under this paragraph, then on petition of an adoptee or adoptive or former parent and without a showing of need, a court shall order access for the petitioner to inspect, in accordance with subsection (b) of this section, the agency's record on the adoptee.

(2) On petition of an adoptee or adoptive or former parent of an adoptee and without a showing of need, a court shall order access for the petitioner to inspect, in accordance with subsection (b) of this section, the court's record on the adoptee.

(b) A court may not order opened for inspection under this section any part of a record that contains identifying information.

§5–3A–41.

(a) If, after a hearing on petition of an adoptee or former parent, a court is satisfied that the adoptee or blood relative of the adoptee or former parent urgently needs medical information not in agency and court records, the court may appoint an

intermediary to try to contact the adoptee or a former parent of the adoptee for the information.

(b) An intermediary appointed under this section:

(1) only may advise an adoptee or former parent of the need for medical information; and

(2) may not:

(i) reveal any identifying information about an adoptee or former parent; or

(ii) try, in any manner, to encourage or discourage contact between an adoptee and former parent.

(c) An intermediary appointed under this section shall file with the appointing court a confidential written report on the intermediary's efforts to contact an adoptee or former parent.

(d) When a court receives a report from an intermediary, the court may disclose to the adoptee or former parent, without revealing identifying information about the adoptee or any former parent:

(1) whether the intermediary advised the adoptee or former parent about the need for medical information; and

(2) medical information that the adoptee or former parent provided.

(e) Notwithstanding any other provision of law, a court may order an adoptee or former parent to pay a reasonable fee for the services of an intermediary under this section.

§5–3A–42.

(a) (1) In this section the following words have the meanings indicated.

(2) "Director" means the State Director of Social Services.

(3) "Secretary" means the Secretary of Health and Mental Hygiene.

(b) This section applies only to an adoption in which a court enters an order for adoption on or after January 1, 2000.

(c) This section does not bar:

(1) an adoptee or biological parent from applying for search, contact, and reunion services under Subtitle 4B of this title; or

(2) the Director or a confidential intermediary from obtaining a copy of a record under § 5-4B-04(c) or § 5-4B-06(b) or (c) of this title.

(d) (1) An adoptee who is at least 21 years old may apply to the Secretary for a copy of:

(i) the adoptee's original certificate of birth;

(ii) all records that relate to the adoptee's new certificate of birth, if any; and

(iii) the report of the adoptee's order of adoption filed by the clerk of court under § 4-211 of the Health - General Article.

(2) If an adoptee is at least 21 years old, a biological parent of the adoptee may apply to the Secretary for a copy of:

(i) the adoptee's original certificate of birth;

(ii) the new certificate of birth, if any, substituted, under § 4-211 of the Health - General Article, for the adoptee's original certificate of birth;

(iii) all records that relate to the adoptee's new certificate of birth; and

(iv) the report of the adoptee's order of adoption filed by the clerk of court under § 4-211 of the Health - General Article.

(3) Each applicant under this subsection shall:

(i) provide all proof of identity and other relevant information that the Secretary requires; and

(ii) pay the fee required under Title 4, Subtitle 2 of the Health - General Article for a copy of a record.

(e) (1) A biological parent may:

(i) file with the Director a disclosure veto, to bar disclosure of information about that parent in a record accessible under this section;

(ii) cancel a disclosure veto at any time; and

(iii) refile a disclosure veto at any time.

(2) An adoptee at least 21 years old may:

(i) file with the Director a disclosure veto, to bar disclosure of information about the adoptee in a record accessible under this section;

(ii) cancel a disclosure veto at any time; and

(iii) refile a disclosure veto at any time.

(3) Immediately after the Director receives a disclosure veto or cancellation under this subsection, the Director shall forward a copy to the Secretary.

(f) (1) The Secretary shall adopt regulations to carry out this section.

(2) Subject to paragraphs (3) and (4) of this subsection, the Secretary shall give to each applicant who meets the requirements of this section a copy of each record that the applicant requested and that the Secretary has on file.

(3) Whenever a biological parent applies for a record, the Secretary shall redact from the copy all information as to:

(i) the other biological parent, if that parent has filed a disclosure veto in accordance with this section; and

(ii) the adoptee and each adoptive parent, if the adoptee has filed a disclosure veto in accordance with this section.

(4) Whenever an adoptee applies for a record, the Secretary shall redact from the copy all information as to the biological parent, if that parent has filed a disclosure veto in accordance with this section.

(5) The Secretary shall give each applicant under this section notice of the adoption search, contact, and reunion services available under this title.

§5–3A–43.

(a) Subject to subsection (b) of this section, access to a dental or medical record of an adopted minor may not be denied to a parent of the minor because the parent is an adoptive parent.

(b) Access to a dental or medical record under this section may not include access to any part of the record that has identifying information as to a former parent of the minor.

§5–3A–45.

(a) Except as otherwise provided by law, a person may not charge or receive, from or for a parent or prospective adoptive parent, any compensation for a service in connection with:

(1) placement of an individual to live with a preadoptive family; or

(2) an agreement for custody in contemplation of adoption.

(b) (1) In this subsection, "Administration" means the Social Services Administration of the Department.

(2) This section does not:

(i) prohibit payment, by an interested person, of:

1. a customary and reasonable charge or fee for adoption counseling, hospital, legal, or medical services;

2. reasonable expenses for transportation for medical care associated with the pregnancy or birth of the child;

3. reasonable expenses for food, clothing, and shelter for a birth mother if, on written advice of a physician, the birth mother is unable to work or otherwise support herself because of medical reasons associated with the pregnancy or birth of the child; or

4. reasonable expenses associated with any required court appearance relating to the adoption, including transportation, food, and lodging expenses; or

(ii) prevent the Administration, or a person that the Administration licenses or supervises, from receiving and accepting reasonable reimbursement for costs of an adoptive service in connection with adoption, if:

1. the reimbursement is in accordance with standards set by regulation of the Administration; and

2. the ability to provide this reimbursement does not affect:

A. the acceptability of any individual for adoptive services; or

B. the choice of the most suitable prospective adoptive parent.

(c) Each State's Attorney shall enforce this section.

(d) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 or imprisonment not exceeding 3 months or both, for each offense.

§5–3B–01.

(a) In this subtitle the following words have the meanings indicated.

(b) "Identifying information" means information that reveals the identity or location of an individual.

(c) (1) "Parent" means an individual who, at any time before a court enters

an order for adoption under this subtitle:

(i) meets a criterion in § 5-3B-05(a) of this subtitle; or

(ii) is the mother.

(2) "Parent" does not include an individual whom a court has adjudicated not to be a father or mother.

(d) "Prospective adoptee" means an individual who is the subject of a petition for adoption under this subtitle.

§5–3B–02.

(a) This subtitle applies only to an adoption that is arranged other than by a child placement agency.

(b) Except as expressly provided in this subtitle, it does not affect an adoption:

(1) for which a court entered an order on or before December 31, 2005; or

(2) pending on January 1, 2006.

§5–3B–03.

(a) The General Assembly finds that the policies and procedures of this subtitle are desirable and socially necessary.

(b) The purposes of this subtitle are to:

(1) timely provide permanent and safe homes for children consistent with their best interests;

(2) protect children from unnecessary separation from their parents;

(3) ensure adoption only by individuals fit for the responsibility;

(4) protect parents from making hurried or ill-considered agreements to terminate their parental rights;

(5) protect prospective adoptive parents by giving them information about prospective adoptees and their backgrounds; and

(6) protect adoptive parents from future disturbances of their relationships with adoptees by former parents.

§5–3B–04.

(a) In this section, "order" includes any action that, under the laws of another

jurisdiction, has the force and effect of a comparable judicial order under this subtitle.

(b) In accordance with the United States Constitution, this State shall accord full faith and credit to:

(1) an order of another state as to adoption or guardianship in compliance with the other state's laws; and

(2) termination of parental rights in compliance with the other state's laws.

(c) As to a jurisdiction other than a state:

(1) an order for adoption or guardianship entered in compliance with the jurisdiction's laws shall have the same legal effect as an order for adoption or guardianship entered in this State; and

(2) termination of parental rights in compliance with the jurisdiction's laws shall have the same legal effect as termination of parental rights in this State.

(d) This section may not be construed to require an individual to petition a court in this State for adoption of an adoptee if:

(1) the individual adopted the adoptee in compliance with the laws of a jurisdiction other than a state; and

(2) the United States Citizenship and Immigration Services verifies the validity of that adoption by granting, under the federal Immigration and Nationality Act, an IR-3 visa for the adoptee.

§5–3B–05.

(a) Unless a court excludes a man as the father of a child, a man is the father if:

(1) the man was married to the child's mother at the time of the child's conception;

(2) the man was married to the child's mother at the time of the child's birth;

(3) the man is named as the father on the child's birth certificate and has not signed a denial of paternity;

(4) the child's mother has named the man as the child's father and the man has not signed a denial of paternity;

(5) the man has been adjudicated to be the child's father;

(6) the man has acknowledged himself, orally or in writing, to be the child's

father and the mother agrees; or

(7) on the basis of genetic testing, the man is indicated to be the child's biological father.

(b) (1) A petitioner under this subtitle shall give a court notice that a man who is not named in the petition and has not been excluded as a father claims paternity.

(2) After a request of a party or claimant and before ruling on a petition for adoption under this subtitle, a court shall hold a hearing on the issue of paternity.

§5–3B–06.

(a) (1) In a case under this subtitle, a court shall appoint an attorney to represent a parent who:

(i) has a disability that makes the parent incapable of effectively participating in the case; or

(ii) when the parent must decide whether to consent to adoption, is still a minor.

(2) To determine whether a disability makes a parent incapable of effectively participating in a case, a court, on its own motion or on motion of a party, may order examination of the parent.

(b) (1) In a case under this subtitle, a court shall appoint an attorney to represent a prospective adoptee who:

(i) has a disability that makes the prospective adoptee incapable of effectively participating in the case; and

(ii) when the prospective adoptee must decide whether to consent to adoption, is at least 10 years old.

(2) To determine whether a disability makes a prospective adoptee incapable of effectively participating in a case, a court, on its own motion or on motion of a party, may order examination of the prospective adoptee.

(c) An attorney or firm:

(1) may represent more than one party in a case under this subtitle only if the Maryland Lawyers' Rules of Professional Conduct allow; and

(2) may not represent a prospective adoptive parent and parent in the same adoption case.

(d) Counsel appointed under this section may be compensated for reasonable fees, as approved by the court.

§5–3B–07.

(a) (1) A prospective adoptive parent and parent of a prospective adoptee may enter into a written agreement to allow contact, after the adoption, between:

(i) the parent or other relative of the adoptee; and

(ii) the adoptee and adoptive parent.

(2) An adoptive parent and former parent of an adoptee under this subtitle may enter into a written agreement to allow contact between:

(i) a relative or former parent of the adoptee; and

(ii) the adoptee or adoptive parent.

(b) An agreement made under this section applies to contact with an adoptee only while the adoptee is a minor.

(c) An individual who prepares an agreement described in subsection (a)(1) of this section:

(1) shall provide a copy to each party in a case pending as to the prospective adoptee under this subtitle; and

(2) if the agreement so provides, shall redact identifying information from the copies.

(d) Failure to comply with a condition of an agreement made under this section is not a ground for revoking consent to, or setting aside an order for, adoption.

(e) If a dispute as to an agreement made under this section arises, a court may order the parties to engage in mediation to try to resolve the dispute.

(f) (1) A court shall enforce a written agreement made in accordance with this section unless enforcement is not in the adoptee's best interests.

(2) If a party moves to modify a written agreement made in accordance with this section and satisfies the court that modification is justified because an exceptional circumstance has arisen and the court finds modification to be in an adoptee's best interests, the court may modify the agreement.

§5–3B–08.

(a) A court may order an adoptive parent to pay, wholly or partly, reasonable fees for a former parent's:

(1) independent counsel; or

(2) adoption counseling or guidance for a reasonable time.

(b) Except as provided in subsection (a) of this section, a court may assign among the parties to a case under this subtitle counsel fees, counseling or guidance fees, and costs of testing under § 5-3B-05 of this subtitle, as the court considers appropriate.

§5–3B–09.

A party to a case under this subtitle may appeal to the Court of Special Appeals from an interlocutory or final order.

§5–3B–12.

Except for a child being placed for adoption with a relative of the child, by blood or marriage within 4 degrees of affinity or consanguinity under the civil law rule, a parent or grandparent may place a child for adoption only if:

(1) a petition for adoption is filed in court; and

(2) the court, by order, sanctions the placement pending final action on the petition.

§5–3B–13.

(a) Any adult or minor may be adopted under this subtitle.

(b) (1) Any adult may petition a court for adoption.

(2) If a petitioner is married, the petitioner's spouse shall join in the petition unless the spouse:

(i) is separated from the petitioner under a circumstance that gives the petitioner a ground for annulment or divorce;

(ii) is not competent to join in the petition; or

(iii) 1. is a parent of the prospective adoptee; and

2. has consented to the adoption in accordance with this subtitle.

(c) Before a petition is filed under this subtitle, a petitioner shall move for, and a court shall order that, a case pending under Subtitle 3 of this title be closed.

(d) If the marital status of a petitioner changes before entry of an order under this subtitle, the petitioner shall amend the petition accordingly.

§5–3B–14.

A court shall give notice of the filing of an adoption petition to each individual whose consent has been filed under this subtitle and who has not waived the right to notice.

§5–3B–15.

(a) Subsection (b) of this section does not apply to an adoption by a spouse of the prospective adoptee's parent or a relative of the prospective adoptee.

(b) A court shall issue a show–cause order that includes advice as to the parent's rights to:

(1) have independent counsel; and

(2) receive adoption counseling and guidance.

(c) On issuance of a show–cause order as to a prospective adoptee, a petitioner shall serve the order:

(1) on each of the prospective adoptee's living parents who has not consented to the adoption; and

(2) if the prospective adoptee is at least 10 years old and has not consented to the adoption, on the prospective adoptee.

(d) Service under this section shall be by:

(1) personal service; or

(2) certified mail, restricted delivery, return receipt requested.

(e) Service under this section shall be attempted at the parent's last address known to the petitioner.

(f) (1) If a court is satisfied, by affidavit or testimony, that, after reasonable efforts in good faith, a petitioner could not identify a parent or could not effect service on a parent, the court shall order service through notice by publication as to that parent.

(2) Notice under this subsection shall consist of substantially the following statement:

To: (Father's name) To: (Mother's name) To: Unknown parent "You are hereby notified that an adoption case has been filed in the circuit court for (county name), case no. (number). All persons who believe themselves to be parents of a (male or female) child born on (date of birth) in (city, state) to (mother's and father's names and dates of birth) shall file a written response. A copy of the show–cause order may be obtained from the clerk's office at (address) and (telephone number). If you do not

file a written objection by (deadline), you will have agreed to the permanent loss of your parental rights to this child."

(3) Service under this subsection shall be by:

(i) publication at least once in one or more newspapers in general circulation in the county where the petition is filed or, if different, where the parent's last address known to the petitioner is located; and

(ii) posting for at least 30 days on a website of the Department.

(4) The Department may charge a petitioner a reasonable fee to cover the cost of posting.

§5–3B–16.

(a) Before ruling on a consensual adoption petition under § 5-3B-20(1) of this subtitle, a court may order any investigation that the court considers necessary.

(b) Before ruling on a nonconsensual adoption petition under §§ 5-3B-20(2) and 5-3B-22 of this subtitle, a court shall order an appropriate agency to investigate and submit a report that includes summaries of:

(1) the prospective adoptee's emotional ties with and feelings toward the prospective adoptee's parents, the prospective adoptee's siblings, and others who may affect the prospective adoptee's best interests significantly; and

(2) the prospective adoptee's adjustment to:

(i) community;

(ii) home; and

(iii) school.

§5–3B–17.

A court shall hold a hearing before entering an order for adoption under this subtitle.

§5–3B–18.

A court may not enter an order for adoption under this subtitle until expiration of the revocation period.

§5–3B–19.

(a) In ruling on a petition for a prospective adoptee's adoption under this subtitle, a court shall consider:

(1) all factors necessary to determine the prospective adoptee's best interests; and

(2) any report prepared for the court.

(b) (1) (i) In this subsection, "disability" means:

1. a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

2. a mental impairment or deficiency;

3. a record of having a physical or mental impairment as defined under this paragraph; or

4. being regarded as having a physical or mental impairment as defined under this paragraph.

(ii) "Disability" includes:

1. any degree of paralysis or amputation;

2. blindness or visual impairment;

3. deafness or hearing impairment;

4. muteness or speech impediment;

5. physical reliance on a service animal or a wheelchair or other remedial appliance or device; and

6. intellectual disability, as defined in § 7–101 of the Health – General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(2) In ruling on an adoption petition under this subtitle, a court may not deny the petition solely because the petitioner:

(i) is single or unmarried; or

(ii) has a disability.

§5–3B–20.

A court may enter an order for adoption only if:

(1) (i) 1. each of the prospective adoptee's living parents consents:

A. in writing; or

B. by failure to timely file notice of objection after being served with a show–cause order in accordance with this subtitle;

2. an administrative, executive, or judicial body of a state or other jurisdiction has granted a governmental unit or person other than a parent the power to consent to adoption, and the unit or person consents; or

3. parental rights have been terminated in compliance with the laws of a state or other jurisdiction, as described in § 5–3B–04 of this subtitle; and

(ii) if the prospective adoptee is at least 10 years old, the prospective adoptee consents; or

(2) in accordance with § 5–3B–22 of this subtitle, the court orders adoption without consent otherwise required under this section.

§5–3B–21.

(a) (1) Consent of a parent may include a waiver of rights to notice of:

(i) the filing of a petition under this subtitle; and

(ii) further proceedings under this subtitle.

(2) Consent to adoption under this subtitle is not valid unless the consent:

(i) is given after the prospective adoptee is born;

(ii) is given in a language that the party understands;

(iii) if given in a language other than English:

1. is given before a judge on the record; or

2. is accompanied by the affidavit of a translator stating that the translation of the document of consent is accurate;

(iv) contains an express notice of:

1. the right to revoke consent, at any time within 30 days after the consent is signed;

2. the search rights of adoptees and parents under § 5-3B-29 of this subtitle and the search rights of adoptees, siblings, and parents under Subtitle 4B of this title; and

3. the right to file a disclosure veto under § 5-3B-29 of this

subtitle;

(v) except as to an adoption by a spouse of the prospective adoptee's parent or a relative of the prospective adoptee, states that the parent has been advised of the parent's rights to:

1. have independent counsel; and

2. receive adoption counseling and guidance;

(vi) states whether the parent chose to have or not have counsel or counseling; and

(vii) is accompanied by an affidavit of counsel appointed under § 5-3B-06 of this subtitle stating that a parent who is a minor or has a disability gives consent knowingly and voluntarily.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, a parent may revoke consent at any time within 30 days after the parent signs the consent.

(ii) A parent may not revoke consent for adoption of a prospective adoptee if:

1. in the preceding year, the parent has revoked consent for or filed a notice of objection to adoption of the prospective adoptee; and

2. the child is at least 30 days old and consent is given before a judge on the record.

(2) A prospective adoptee may revoke consent at any time before a court enters an order of adoption under this subtitle.

§5–3B–22.

(a) This section applies only if a parent affirmatively withholds consent by filing a notice of objection.

(b) (1) A court may allow adoption, without parental consent otherwise required under this subtitle, by a petitioner who has exercised physical care, control, or custody over the prospective adoptee for at least 180 days, if the court finds by clear and convincing evidence that:

(i) the parent has not had custody of the prospective adoptee for at least 1 year;

(ii) the prospective adoptee has significant emotional ties to and feelings for the petitioner; and

(iii) the parent:

1. has not maintained meaningful contact with the prospective adoptee while the petitioner had custody, notwithstanding an opportunity to do so;

2. has failed to contribute to the prospective adoptee's physical care and support, notwithstanding the ability to do so;

3. has subjected the prospective adoptee to:

A. chronic abuse;

B. chronic and life–threatening neglect;

C. sexual abuse; or

D. torture;

4. has been convicted of abuse of any offspring;

5. has been convicted, in any state or any court of the United States, of:

A. a crime of violence against:

I. a minor offspring of the parent;

II. the child; or

III. another parent of the child; or

B. aiding or abetting, conspiring, or soliciting to commit a crime described in item A of this item; or

6. has, other than by consent, lost parental rights to a sibling of the prospective adoptee.

(2) If a court finds that an act or circumstance listed in paragraph (1)(iii)3 or 5 of this subsection exists, the court shall make a specific finding, based on facts in the record, whether return of the prospective adoptee to the custody of the parent poses an unacceptable risk to the prospective adoptee's safety.

(3) In determining whether it is in the best interests of a prospective adoptee to terminate a parent's rights under this subsection, a court shall:

(i) give primary consideration to the health and safety of the prospective adoptee; and

(ii) consider the report required under § 5–3B–16 of this subtitle.

§5–3B–23.

A court may not grant a petition under § 5-3B-22 of this subtitle solely because a parent:

(1) does not have legal custody of a prospective adoptee by reason of a divorce or legal separation; or

(2) has been deprived of custody of a prospective adoptee by an act of the other parent.

§5–3B–24.

(a) This section does not apply to an adoption by the spouse of the prospective adoptee's parent or a relative of the prospective adoptee.

(b) A court may not enter an order under this subtitle until the petitioner files with the court an accounting of all payments and disbursements of any item of value made by or for the petitioner in connection with the adoption.

§5–3B–25.

(a) This subsection does not limit the right of an individual to provide for distribution of property by will.

(b) Except as provided in § 2-123 of the Real Property Article, after a court enters an order for adoption under this subtitle:

(1) the adoptee:

(i) is the offspring of the adoptive parent for all intents and purposes; and

(ii) is entitled to all of the rights and privileges of and is subject to all of the obligations of offspring born to the adoptive parent;

(2) each of the adoptee's living parents is:

(i) relieved of all parental duties and obligations to the adoptee; and

(ii) divested of all parental rights as to the adoptee; and

(3) the Estates and Trusts Article shall govern all of the rights of inheritance between the adoptee and parental relatives.

(c) Adoption of an adult has the same legal effect as adoption of a minor.

§5–3B–26.

If a petition to invalidate an order under this subtitle on the basis of a jurisdictional or procedural defect is filed more than 1 year after entry of the order, a court shall dismiss the petition.

§5–3B–28.

(a) If, after a hearing on petition of an adoptee or former parent, a court is satisfied that the adoptee or blood relative of the adoptee or former parent urgently needs medical information not in court records, the court may appoint an intermediary to try to contact the adoptee or a former parent of the adoptee for the information.

(b) An intermediary appointed under this section:

(1) only may advise an adoptee or former parent of the need for medical information; and

(2) may not:

(i) reveal any identifying information about an adoptee or former parent; or

(ii) try, in any manner, to encourage or discourage contact between an adoptee and former parent.

(c) An intermediary appointed under this section shall file with the appointing court a confidential written report on the intermediary's efforts to contact an adoptee or former parent.

(d) When a court receives a report from an intermediary, the court may disclose to the adoptee or former parent, without revealing identifying information about the adoptee or any former parent:

(1) whether the intermediary advised the adoptee or a former parent about the need for medical information; and

(2) medical information that the adoptee or a former parent provided.

(e) Notwithstanding any other provision of law, a court may order an adoptee or former parent to pay a reasonable fee for the services of an intermediary under this section.

§5–3B–29.

(a) (1) In this section the following words have the meanings indicated.

(2) "Director" means the State Director of Social Services.

(3) "Secretary" means the Secretary of Health and Mental Hygiene.

(b) This section applies only to an adoption in which a court enters an order for adoption on or after January 1, 2000.

(c) This section does not bar:

(1) an adoptee or biological parent from applying for search, contact, and reunion services under Subtitle 4B of this title; or

(2) the Director or a confidential intermediary from obtaining a copy of a record under § 5-4B-04(c) or § 5-4B-06(b) or (c) of this title.

(d) (1) An adoptee who is at least 21 years old may apply to the Secretary for a copy of:

(i) the adoptee's original certificate of birth;

(ii) all records that relate to the adoptee's new certificate of birth, if any; and

(iii) the report of the adoptee's order of adoption filed by the clerk of court under § 4-211 of the Health - General Article.

(2) If an adoptee is at least 21 years old, a biological parent of the adoptee may apply to the Secretary for a copy of:

(i) the adoptee's original certificate of birth;

(ii) the new certificate of birth, if any, that was substituted, under § 4-211 of the Health - General Article, for the adoptee's original certificate of birth;

(iii) all records that relate to the adoptee's new certificate of birth; and

(iv) the report of the adoptee's order of adoption filed by the clerk of court under § 4-211 of the Health - General Article.

(3) Each applicant under this subsection shall:

(i) provide all proof of identity and other relevant information that the Secretary requires; and

(ii) pay the fee required under Title 4, Subtitle 2 of the Health - General Article for a copy of a record.

(e) (1) A biological parent may:

(i) file with the Director a disclosure veto, to bar disclosure of

information about that parent in a record accessible under this section;

(ii) cancel a disclosure veto at any time; and

(iii) refile a disclosure veto at any time.

(2) An adoptee 21 years old may:

(i) file with the Director a disclosure veto, to bar disclosure of information about the adoptee in a record accessible under this section;

(ii) cancel a disclosure veto at any time; and

(iii) refile a disclosure veto at any time.

(3) Immediately after the Director receives a disclosure veto or cancellation under this subsection, the Director shall forward a copy to the Secretary.

(f) (1) The Secretary shall adopt regulations to carry out this section.

(2) Subject to paragraphs (3) and (4) of this subsection, the Secretary shall give to each applicant who meets the requirements of this section a copy of each record that the applicant requested and that the Secretary has on file.

(3) Whenever a biological parent applies for a record, the Secretary shall redact from the copy all information as to:

(i) the other biological parent, if that parent has filed a disclosure veto in accordance with this section; and

(ii) the adoptee and each adoptive parent, if the adoptee has filed a disclosure veto in accordance with this section.

(4) Whenever an adoptee applies for a record, the Secretary shall redact from the copy all information as to the biological parent, if that parent has filed a disclosure veto in accordance with this section.

(5) The Secretary shall give each applicant under this section notice of the adoption search, contact, and reunion services available under this title.

§5–3B–30.

(a) Subject to subsection (b) of this section, access to a dental or medical record of an adopted minor may not be denied to a parent of the minor because the parent is an adoptive parent.

(b) Access to a dental or medical record under this section may not include access to any part of the record that has identifying information as to a former parent of the minor.

§5–3B–32.

(a) Except as otherwise provided by law, a person may not charge or receive, from or for a parent or prospective adoptive parent, any compensation for a service in connection with:

(1) placement of an individual to live with a preadoptive family; or

(2) an agreement for custody in contemplation of adoption.

(b) This section does not prohibit payment, by an interested person, of:

(1) a reasonable and customary charge or fee for adoption counseling, hospital, legal, or medical services;

(2) reasonable expenses for transportation for medical care associated with the pregnancy or birth of the child;

(3) reasonable expenses for food, clothing, and shelter for a birth mother if, on written advice of a physician, the birth mother is unable to work or otherwise support herself because of medical reasons associated with the pregnancy or birth of the child; or

(4) reasonable expenses associated with any required court appearance relating to the adoption, including transportation, food, and lodging expenses.

(c) Each State's Attorney shall enforce this section.

(d) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 or imprisonment not exceeding 3 months or both, for each offense.

§5–401.

(a) In this subtitle the following words have the meanings indicated.

(b) "Administration" means the Social Services Administration of the Department.

(c) "Eligible child" means a minor as to whom:

(1) (i) guardianship has been awarded to a child placement agency under Subtitle 3 or Subtitle 3A of this title; or

(ii) consensual adoption has been ordered under § 5–338 of this title; and

(2) a determination has been made by a local department under § 5–403 of this subtitle that a subsidy is necessary to ensure the child's adoption because of the

child's special circumstances.

(d) "Subsidy" means:

(1) a money payment;

(2) medical care;

(3) medical assistance; or

(4) special services.

§5–402.

The purpose of this subtitle is to make possible, through a public subsidy, the most appropriate adoption of each eligible child.

§5–403.

The local department shall determine whether a subsidy is necessary to assure a child's adoption because of the child's special circumstances, including:

(1) physical or mental disability;

(2) emotional disturbance;

(3) recognized high risk of physical or mental disease;

(4) age;

(5) sibling relationship; and

(6) racial or ethnic factors.

§5–406.

Each local department shall establish and administer an adoption subsidy program for eligible children.

§5–407.

(a) Money payments and special services under the adoption subsidy program shall be funded by:

(1) appropriations to a local department for the maintenance of children in foster care; and

(2) money that is made available to a local department from other sources.

(b) Medical assistance and medical care under the adoption subsidy program shall be funded by:

(1) savings for the fiscal year by the Department of Health and Mental Hygiene and the Department of Human Resources that are attributable to adoptions under this subtitle; and

(2) appropriations to the Department of Human Resources for the adoption subsidy program.

(c) The Administration may reimburse the Department of Health and Mental Hygiene for the cost of medical assistance and medical care directly or through a contract with the Department.

§5–408.

(a) A subsidy may not be denied to an eligible child on the ground that the eligible child had a condition that was not known or discovered at the time of the adoption.

(b) An individual who has been approved by a child placement agency as an appropriate adoptive parent and who seeks to adopt an eligible child is eligible to receive a subsidy on behalf of the eligible child regardless of the individual's income or other eligibility factors.

(c) A subsidy may not be denied to a child whose adoption has been dissolved or whose adoptive parents have died if the child received an adoption subsidy during the child's prior adoption and the child continues to meet the criteria set forth in § 5-403 of this subtitle.

(d) The subsidy may not be discontinued solely because the adoptive parent moves from this State with the eligible child.

(e) A subsidy may continue to be provided for an eligible child to an adult who is qualified to assume responsibility and who assumes responsibility for the care and welfare of the child upon the death or incapacitation of the child's adoptive parent.

§5–409.

(a) To apply for a subsidy on behalf of an eligible child, an individual who is a prospective adoptive parent of the eligible child shall file an application for a subsidy with the local department.

(b) (1) The director of the local department shall append to the application evidence of inability, after all reasonable efforts, to place the eligible child, without a subsidy, with an appropriate adoptive parent because of the special circumstances.

(2) If the director of the local department determines that the eligible child

has established emotional ties with a prospective adoptive parent who is the child's foster parent, evidence of efforts to place the child with another prospective adoptive parent is not required.

§5–410.

(a) (1) Before a final decree of adoption is passed, the local department and a prospective adoptive parent of an eligible child shall make a written agreement regarding the subsidy.

(2) In the case of an eligible child who has special circumstances that existed before the adoption but were not detected until after the adoption, the agreement shall be made promptly after the local department approves the application for a subsidy.

(b) A subsidy may commence either at the time of the placement for adoption or at an appropriate time after the passage of the adoption decree.

(c) (1) The nature, amount, and duration of the subsidy shall be determined by:

(i) the needs of the eligible child because of the eligible child's special circumstances; and

(ii) the availability of other resources to meet the eligible child's needs.

(2) The subsidy may be for a limited or a long period of time.

(3) The subsidy shall be in an amount that is not more than:

(i) the allowable amount for a child under foster family care in this State, or if placement is in another state, the allowable amount for a child under foster family care in that state, whichever is higher;

(ii) in the case of a medically fragile child living in a treatment foster care home, $2,000 per month; or

(iii) if the subsidy is for a special service, a reasonable fee for that service.

(d) (1) If, under a subsidy agreement, the subsidy does not terminate in the first year after the final decree of adoption is passed, the subsidy is subject to annual reapplication, reevaluation, and reapproval by the local department.

(2) A subsidy agreement shall include a notice of the annual reapplication requirement.

§5–410.1.

(a) If the Department makes the determinations under subsection (b) of this section, an adoptive parent involved in an independent or intercountry adoption of a child is entitled to reimbursement by the State for certain nonrecurring adoption expenses associated with the adoption.

(b) An adoptive parent is eligible for reimbursement of nonrecurring adoption expenses, if the Department determines that:

(1) the child should not be returned to its biological parents;

(2) the child cannot be placed with adoptive parents without providing assistance because of certain factors or conditions regarding the child, including ethnic background, age, the presence and number of siblings, or physical, mental, or emotional handicaps; and

(3) except where it would be against the best interests of the child, previous adoption attempts have been made without assistance and were unsuccessful.

(c) Application for nonrecurring adoption expenses shall be filed with the Department:

(1) prior to the order; and

(2) on a form provided by the Department.

(d) (1) Upon approval of the application, there shall be a written agreement between the Department and the prospective adoptive parents regarding the reimbursement of nonrecurring adoption expenses.

(2) Except as provided in paragraph (3) of this subsection, the agreement shall be signed by the adoptive parents and an agent of the Department prior to the adoption order.

(3) The agreement is not required to be signed by the adoptive parents and an agent of the Department prior to the adoption order if the order:

(i) was entered between January 1, 1987 and July 1, 1990; or

(ii) was entered before January 1, 1987, but nonrecurring adoption expenses were paid after January 1, 1987.

(4) Adoptive parents filing for reimbursement of nonrecurring adoption expenses in cases described under paragraph (3) of this subsection shall:

(i) enter into a written agreement with the Department; and

(ii) file all claims no later than December 14, 1990.

(e) Reimbursement for nonrecurring adoption expenses is limited to a maximum of $2,000 for reasonable and necessary actual costs that are not reimbursable from another source, including:

(1) adoption fees;

(2) court costs and reasonable attorney's fees;

(3) health examinations;

(4) transportation costs; and

(5) food and lodging costs incurred during preplacement visits.

(f) Except in cases described under subsection (d)(3) of this section, adoptive parents shall file all claims for nonrecurring adoption expenses within 2 years after the order.

§5–411.

An individual who is aggrieved by a final decision of the director of a local department that denies eligibility or reduces or terminates a subsidy in a contested case may:

(1) appeal that decision to the administrative appellate authority designated by rule or regulation; and

(2) then take any further appeal allowed by the Administrative Procedure Act.

§5–412.

The Director of the Administration shall adopt regulations to carry out the provisions of this subtitle.

§5–415.

This subtitle may be cited as the "Maryland Adoption Subsidy Act".

§5–4A–01.

(a) In this subtitle the following words have the meanings indicated.

(b) "Administration" means the Social Services Administration of the Department.

(c) "Adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.

(d) "Residence state" means the state where the child lives.

§5–4A–02.

(a) The General Assembly finds that:

(1) locating adoptive families for children who are eligible to receive State assistance and assuring the protection of the interests of the children affected during the entire assistance period requires special measures when the adoptive parents move to other states or are residents of another state; and

(2) providing medical and other necessary services for children, with State assistance, is more difficult when the services are provided in other states.

(b) The purposes of this subtitle are to:

(1) authorize the Administration to enter into interstate agreements with agencies of other states for the protection of children on whose behalf adoption assistance is being provided; and

(2) provide procedures for interstate adoption assistance payments, including medical payments.

§5–4A–03.

(a) The Administration may develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this State with other states to implement one or more of the purposes of this subtitle.

(b) When entered into, and for so long as it shall remain in force, the compact shall have the force and effect of law.

§5–4A–04.

(a) A compact entered into pursuant to § 5-4A-03 of this subtitle shall include:

(1) a provision making the compact available for joinder by all states;

(2) a provision for withdrawal from the compact upon written notice to the parties, but with a period of 1 year between the date of the notice and the effective date of the withdrawal;

(3) a requirement that the protection afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who on the effective date of the withdrawal are receiving adoption assistance from a party state other than the one in which they are residents and have their principal place of abode; and

(4) a requirement that each instance of adoption assistance to which the

compact applies be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the state which undertakes to provide the adoption assistance and that the adoption assistance agreement be expressly for the benefit of the adopted child and enforceable by both the adoptive parents and the state agency providing the adoption assistance.

(b) A compact entered into pursuant to § 5-4A-03 of this subtitle may include a provision establishing procedures and entitlements to medical or other necessary social services for the child in accordance with applicable laws even though the child and the adoptive parents are in a state other than the state responsible for providing the services or the funds to defray part or all of the costs.

§5–4A–05.

(a) (1) A child with special needs who resides in this State and who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance identification from this State upon filing with the Administration a certified copy of the adoption assistance agreement obtained from the adoption assistance state which certifies to the eligibility of the child for medical assistance.

(2) The adoptive parents shall be required at least annually to show that the adoption assistance agreement is still in force or has been renewed.

(b) The Administration shall consider the holder of a medical assistance identification pursuant to this section the same as any other holder of a medical assistance identification under the laws of this State and shall process and make payment on claims on account of the holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.

(c) (1) This section shall apply only to medical assistance for children under adoption assistance agreements from states that provide medical assistance to children with special needs under adoption assistance agreements made by this State.

(2) All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by this State shall be eligible to receive it in accordance with the applicable laws and procedures.

§5–4A–06.

A person who submits a claim for payment or for reimbursement for services or benefits or makes a statement in connection with a claim for payment or reimbursement for services or benefits pursuant to § 5-4A-05 of this subtitle which the person knows or should know is false, misleading, or fraudulent is guilty of perjury and on conviction is subject to a fine not exceeding $10,000 or imprisonment not exceeding 2 years or both.

§5–4A–07.

The Administration may adopt regulations necessary to carry out this subtitle.

§5–4A–08.

(a) Consistent with federal law, the Department of Health and Mental Hygiene and the Department of Human Resources, in connection with the implementation and execution of this subtitle and any compact entered into pursuant to this subtitle shall include in any State plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), Titles IV-(e) and XIX of the Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost.

(b) The Departments shall apply for and administer all relevant federal aid in accordance with law.

§5–4B–01.

(a) In this subtitle the following words have the meanings indicated.

(b) "Administration" means the Social Services Administration of the Department.

(c) "Confidential intermediary" means an individual or child placement agency qualified by the Director for the purpose of providing search, contact, and reunion services under this subtitle.

(d) "Director" means the Director of the Administration.

(e) "Member of the adoptive family" means an adoptive parent, grandparent, brother, or sister of an adopted individual.

(f) (1) Except as provided in paragraph (2) of this subsection, "relative" means a parent, brother, sister, child, aunt, or uncle of a biological parent.

(2) In the case of a minor in out–of–home placement who was adopted through a local department, "relative" means an individual at least 21 years old who is related to the minor by blood or marriage within five degrees of consanguinity or affinity under the civil law rule.

(g) "Search, contact, and reunion services" means services:

(1) to locate adopted individuals, biological parents of adopted individuals, siblings of adopted individuals, and, as provided in § 5–4B–11 of this subtitle, relatives and members of the adoptive family;

(2) to assess the mutual desire for communication or disclosure of

information:

(i) between adopted individuals and biological parents of adopted individuals;

(ii) between adopted individuals and siblings of adopted individuals; and

(iii) as provided in § 5–4B–11 of this subtitle, between:

1. adopted individuals and relatives; and

2. biological parents and members of the adoptive family;

(3) to provide, or provide referral to, counseling for adopted individuals, biological parents of adopted individuals, siblings of adopted individuals, relatives, and members of the adoptive family;

(4) if siblings of a minor in out–of–home placement were adopted through a local department, to contact the siblings to develop a placement resource or facilitate a family connection with the siblings of the minor; and

(5) if a minor in out–of–home placement was adopted through a local department and a local department has determined that reunification with the minor's adoptive parents is not in the minor's best interests, to contact relatives of the minor to develop a placement resource or facilitate a family connection with the relatives.

(h) "Sibling" means a brother or sister of the whole or half blood who:

(1) is at least 21 years old; and

(2) has been adopted.

§5–4B–02.

(a) (1) An adopted individual at least 21 years old may apply to the Director to receive search, contact, and reunion services.

(2) If an adopted individual is at least 21 years old, the following individuals may apply to the Director to receive search, contact, and reunion services:

(i) a biological parent of the adopted individual;

(ii) a sibling of the adopted individual; and

(iii) a director of a local department acting on behalf of a minor in out–of–home placement.

(3) A director of a local department or a local department director's

designee may apply to the Director to receive search, contact, and reunion services to develop a placement resource or facilitate a family connection with relatives of a minor in out–of–home placement who was adopted through a local department if the local department has determined that reunification with the minor's adoptive parents is not in the minor's best interests.

(b) An individual who applies to the Director to receive search, contact, and reunion services shall supply any proof of identity or other relevant information required by the Director.

(c) (1) The Director may establish a reasonable fee for the application for search, contact, and reunion services.

(2) The overall amount of fees collected may not exceed the costs of processing the applications.

(d) A parent who has had his or her parental rights terminated under Subtitle 3 of this title may not apply to receive search, contact, and reunion services under this subtitle.

§5–4B–03.

(a) The Director shall maintain a list of confidential intermediaries.

(b) To qualify to be a confidential intermediary, an applicant shall meet the requirements of subsection (d) of this section.

(c) If the applicant is a child placement agency, the agency shall appoint an employee of the agency as the representative member to make the application on behalf of the agency.

(d) (1) If the applicant is an individual, the applicant shall:

(i) have completed at least 8 hours of training, approved by the Director, in providing search, contact, and reunion services; and

(ii) meet any other qualifications that the Director establishes for confidential intermediaries.

(2) If the applicant is a child placement agency, each employee who will provide search, contact, and reunion services under this subtitle shall:

(i) have completed at least 8 hours of training, approved by the Director, in providing search, contact, and reunion services; and

(ii) meet any other qualifications that the Director establishes for confidential intermediaries.

(e) (1) The Director may establish a reasonable fee for an application under this section.

(2) The overall amount of fees collected may not exceed the costs of processing the applications.

§5–4B–04.

(a) Except as provided in subsection (b) of this section, the Director shall provide the list of confidential intermediaries to an individual who applies for search, contact, and reunion services.

(b) The Director shall refer an individual who applies for search, contact, and reunion services to the child placement agency that placed the child for adoption if:

(1) the identity of the child placement agency that placed the child for adoption is known; and

(2) the child placement agency is a confidential intermediary, as defined in § 5-4B-01 of this subtitle.

(c) (1) If the identity of the child placement agency that placed the child for adoption is unknown, the Director shall make reasonable efforts to determine the identity of the child placement agency that placed the child for adoption.

(2) For purposes of paragraph (1) of this subsection, the Director shall have access to any information that is contained in a birth record or public record described in § 5-4B-06(b)(1) or (c)(1) of this subtitle.

(3) (i) The Director may charge an individual who applies for search, contact, and reunion services a reasonable fee for a search conducted in accordance with paragraph (2) of this subsection.

(ii) The overall amount of fees collected may not exceed the costs of providing the search.

(4) The Director shall forward any information obtained from a search conducted in accordance with paragraph (2) of this subsection to the confidential intermediary for purposes of providing search, contact, and reunion services.

§5–4B–05.

(a) An individual who applies for search, contact, and reunion services shall execute a written agreement with a confidential intermediary concerning the provision of search, contact, and reunion services.

(b) (1) (i) Except as provided in paragraph (2) of this subsection, the confidential intermediary may charge the individual a reasonable fee for search,

contact, and reunion services.

(ii) The overall amount of fees collected may not exceed the costs of providing the services.

(2) The confidential intermediary may not charge a director of a local department who applies for search, contact, and reunion services on behalf of a minor in out–of–home placement the fee described in paragraph (1) of this subsection.

(c) The confidential intermediary shall promptly:

(1) file the executed agreement with the Director; and

(2) attempt to contact the adopted individual, the biological parent, or the sibling sought by the applicant.

§5–4B–06.

(a) The Director or the Adoption Program Manager of the Department may authorize a confidential intermediary to obtain information described in subsection (b) or (c) of this section to locate an individual sought by an applicant.

(b) (1) Subject to paragraph (2) of this subsection, a confidential intermediary may apply to the Secretary of Health and Mental Hygiene for a copy of the following:

(i) the original certificate of birth and any records that relate to the new certificate of birth of an adopted individual;

(ii) the new certificate of birth that was substituted for the original certificate of birth of an adopted individual under § 4-211 of the Health - General Article; and

(iii) the report of the decree or judgment of adoption filed by the clerk of the court under § 4-211 of the Health - General Article.

(2) To apply for a copy of a record listed in paragraph (1) of this subsection, a confidential intermediary shall submit to the Secretary of Health and Mental Hygiene a written statement signed by the Director or the Adoption Program Manager of the Department and witnessed by a notary public that authorizes the confidential intermediary to obtain information necessary to locate an individual sought by an applicant.

(3) If a confidential intermediary complies with paragraph (2) of this subsection, the Secretary of Health and Mental Hygiene shall give a copy of a record requested under this subsection that is on file with the Secretary to the confidential intermediary.

(c) (1) Subject to paragraph (2) of this subsection, a confidential intermediary

may access any information that is contained in a public record, as defined in § 4–101 of the General Provisions Article, including a court record.

(2) To have access to information contained in a public record, a confidential intermediary shall submit to the custodian of a public record a written statement signed by the Director or the Adoption Program Manager of the Department and witnessed by a notary public that authorizes the confidential intermediary to obtain information necessary to locate an individual sought by an applicant.

(3) If a confidential intermediary complies with paragraph (2) of this subsection, a custodian shall permit inspection of a public record requested under this subsection by the confidential intermediary.

§5–4B–07.

(a) Within 90 days after executing a search, contact, and reunion services agreement under § 5-4B-05 or § 5-4B-11 of this subtitle, a confidential intermediary shall file a report with the Director stating that:

(1) the individual contacted by the confidential intermediary consents to the disclosure of specified information;

(2) the individual contacted by the confidential intermediary does not consent to the disclosure of any information;

(3) the individual sought by the confidential intermediary has not been located; or

(4) the individual sought by the confidential intermediary is deceased.

(b) If the individual sought by the confidential intermediary is deceased, the confidential intermediary shall indicate in the report whether any relatives or members of the adoptive family were contacted, as provided in § 5-4B-11 of this subtitle, and whether those individuals consent to the disclosure of information.

(c) The report and any documents filed in accordance with this section are confidential.

§5–4B–08.

(a) (1) If an individual contacted by a confidential intermediary consents to the disclosure of any information, the confidential intermediary shall obtain the written consent of the individual witnessed by a notary public.

(2) The written consent shall specify the nature of the information to be disclosed.

(b) (1) If a confidential intermediary obtains written consent under

subsection (a) of this section, the confidential intermediary shall disclose the information specified in the consent to the individual who applied for search, contact, and reunion services.

(2) The confidential intermediary shall disclose only the information that has been authorized by the written consent.

§5–4B–09.

If an individual contacted by a confidential intermediary does not consent to the disclosure of any information, the confidential intermediary:

(1) may not disclose any information concerning the individual contacted;

(2) shall refrain from further and subsequent inquiry with the individual contacted; and

(3) shall report the refusal to the individual who applied for search, contact, and reunion services.

§5–4B–10.

(a) If a confidential intermediary files a report under § 5-4B-07 of this subtitle stating that an individual sought has not been located, the confidential intermediary shall continue to make reasonable attempts to contact the individual sought for the period specified in the search, contact, and reunion services agreement executed in accordance with § 5-4B-05 or § 5-4B-11 of this subtitle.

(b) If the confidential intermediary is unsuccessful at locating the individual sought within the period specified in the search, contact, and reunion services agreement, the confidential intermediary shall file a report with the Director stating the failure to locate the individual sought.

§5–4B–11.

(a) If an individual sought by a confidential intermediary is deceased, the confidential intermediary may not disclose the identity of the deceased to the individual who applied for search, contact, and reunion services.

(b) The confidential intermediary shall report the fact that the individual sought is deceased to the individual who applied for search, contact, and reunion services.

(c) (1) If the deceased individual is a biological parent, the confidential intermediary may, with the consent of the applicant, attempt to contact a relative who is at least 21 years old to assess the willingness of the relative to communicate or exchange information with the applicant.

(2) If the deceased individual is an adopted individual, the confidential intermediary may, with the consent of the applicant, attempt to contact a member of the adoptive family who is at least 21 years old to assess the willingness of the member of the adoptive family to communicate or exchange information with the applicant.

(3) If the applicant consents to contacting a relative or member of the adoptive family, the applicant shall execute another written agreement with the confidential intermediary concerning the provision of search, contact, and reunion services under this subsection.

(4) (i) 1. Except as provided in subparagraph (ii) of this paragraph, the confidential intermediary may charge the individual a reasonable fee for the additional search, contact, and reunion services described in this subsection.

2. The overall amount of fees collected may not exceed the costs of providing the services.

(ii) The confidential intermediary may not charge a director of a local department who applies for search, contact, and reunion services on behalf of a minor in out–of–home placement the fee described in subparagraph (i) of this paragraph.

(5) The confidential intermediary shall promptly:

(i) file the executed agreement with the Director; and

(ii) attempt to contact the relative or member of the adoptive family sought by the applicant.

(6) The provisions of this subtitle shall apply to search, contact, and reunion services provided by a confidential intermediary under this subsection.

§5–4B–12.

The Director shall adopt regulations to implement the provisions of this subtitle, including regulations concerning:

(1) the application process for search, contact, and reunion services;

(2) qualifications for a confidential intermediary;

(3) the agreement for search, contact, and reunion services executed by a confidential intermediary and an adopted individual, biological parent, or sibling; and

(4) the delivery and scope of search, contact, and reunion services.

§5–4C–01.

(a) In this subtitle the following words have the meanings indicated.

(b) "Administration" means the Social Services Administration of the Department.

(c) "Adoptee" means an individual:

(1) who was adopted in this State; or

(2) who was placed for adoption by:

(i) a child placement agency licensed in this State; or

(ii) a local department.

(d) "Director" means the Director of the Administration.

(e) "Identifying information" means information that reveals the identity or location of an adoptee, the natural parents of an adoptee, or a natural sibling.

(f) Repealed.

(g) "Natural father" means a man who:

(1) was married to the adoptee's natural mother at the time of conception;

(2) was married to the adoptee's natural mother at the time of the adoptee's birth;

(3) was named as the father on the adoptee's pre-adoption birth certificate, unless the man has signed a denial of paternity or his nonpaternity has been determined by a court;

(4) was identified by the natural mother as the father of the adoptee, unless the man has signed a denial of paternity or his nonpaternity has been determined by a court;

(5) has been adjudicated to be the father of the adoptee; or

(6) has acknowledged himself orally or in writing to be the father of the adoptee.

(h) "Natural sibling" means an individual who is at least 21 years old and shares 1 or both natural parents with an adoptee.

(i) "Registry" means the Mutual Consent Voluntary Adoption Registry.

§5–4C–02.

The purpose of this subtitle is to:

(1) establish within the Administration a Mutual Consent Voluntary Adoption Registry where natural parents, adoptees, and natural siblings may register if they wish to have identifying information released to each other; and

(2) provide for the disclosure of identifying information to natural parents, adoptees, and natural siblings who have registered with the Mutual Consent Voluntary Adoption Registry.

§5–4C–03.

(a) The Director shall:

(1) establish and maintain a Mutual Consent Voluntary Adoption Registry;

(2) adopt rules and regulations to carry out the provisions of this subtitle; and

(3) set and assess a reasonable fee for registrants, except that an individual may not be denied registration solely because of an inability to pay the fee.

(b) The Director may contract with child placement agencies in this State to perform specific duties under this subtitle.

§5–4C–04.

(a) Except as otherwise provided in this subtitle, or pursuant to a court order, the Administration may not disclose information contained in the Registry.

(b) The Administration shall retain affidavits and other information collected concerning a registrant until the date specified by the registrant, or for 99 years after the date of registration, whichever occurs first.

§5–4C–05.

Only the following individuals may register with the Registry:

(1) an adoptee:

(i) who is at least 21 years of age; and

(ii) who does not have a natural sibling under the age of 21 years who has the same adoptive parents;

(2) a natural mother;

(3) a natural father; and

(4) a natural sibling.

§5–4C–06.

(a) (1) To register with the Registry, an individual shall submit a notarized affidavit containing the following information:

(i) the individual's current name and any previous name by which the individual was known;

(ii) the individual's address and telephone number;

(iii) if the individual is a natural parent of the adoptee, the original and adopted names, if known, of the adoptee;

(iv) if the individual is an adoptee who is seeking information regarding the adoptee's natural parents, any names, if known, by which the natural parents are or were known;

(v) if the individual is an adoptee who is seeking information regarding a natural sibling, any names, if known, by which the natural sibling is or was known;

(vi) if known, the place and date of birth of the adoptee;

(vii) if known, the name and address of the child placement agency, if any, that placed the adoptee;

(viii) if known, the names of the adoptive parents of the adoptee;

(ix) the name and address of the court that issued the adoption or guardianship order; and

(x) a statement of the individual's consent to be identified to other registrants.

(2) A registrant shall notify the Administration of changes in information occurring after the affidavit is filed.

(3) A registrant may withdraw from the Registry at any time by submitting a notarized affidavit to that effect to the Administration.

(b) (1) The Administration shall obtain information necessary for identifying an adoptee, a natural mother of an adoptee, a natural father, or a natural sibling.

(2) The Administration may not obtain information regarding:

(i) the adoptive parents of the adoptee;

(ii) a child of the adoptive parents who is not a natural sibling; or

(iii) the financial status of the adoptive parents of the adoptee.

§5–4C–07.

(a) On receipt of an affidavit, the Administration shall:

(1) attempt to match registrants or to provide matching information; and

(2) if a match is made, direct the child placement agency, if known, or the local department, if there is no known child placement agency, to notify the registrants through a confidential contact.

(b) (1) Except as otherwise provided in this subsection, a match is made when:

(i) an adoptee and the adoptee's natural mother and natural father register; or

(ii) 2 or more natural siblings register.

(2) A match is made when an adoptee and only 1 natural parent of the adoptee register if:

(i) notice of the filing of the petition for adoption or guardianship was given to the nonregistering parent and the parent did not participate in the judicial proceedings that terminated the parent-child relationship or declared the parent-child relationship was nonexistent;

(ii) an adoptee and the natural mother of the adoptee register and there is no known natural father;

(iii) the natural mother of the adoptee, or in the case of an agency adoption, the agency submits, or the Administration obtains from a court of competent jurisdiction in the state of the adoptee's birth or adoption, a copy of a judgment that declares that the identity of the natural father is unknown;

(iv) the Administration has information that indicates that the other natural parent is dead;

(v) notice of the filing of the petition for adoption or guardianship was not given to the nonregistering natural parent of the adoptee; or

(vi) 1 year has elapsed since the registering natural parent filed the affidavit and the nonregistering natural parent has not filed a notarized affidavit stating the nonregistering parent's refusal to permit the match.

(3) Matching information is provided:

(i) if both natural parents are deceased; and

(ii) if only an adoptee has registered.

(c) (1) In order to make a match or provide matching information, the Administration may inquire into the records of a child placement agency or court that issued an adoption or guardianship order.

(2) The court that issued the adoption order shall order that the Administration have access to court records on receipt of a petition from the Administration that states that review of the records is needed in order to make a match or to provide matching information under this section.

§5–501.

(a) In this subtitle the following words have the meanings indicated.

(b) "Administration" means:

(1) the Social Services Administration of the Department; or

(2) any other unit within the Department to which the Secretary of Human Resources has delegated in writing specified responsibilities of the Administration under this subtitle.

(c) "Child care provider" means the adult who has primary responsibility for the operation of a family child care home or large family child care home.

(d) "Family child care" means the care given to a child under the age of 13 years or to any developmentally disabled person under the age of 21 years, in place of parental care for less than 24 hours a day, in a residence other than the child's residence, for which the child care provider is paid.

(e) "Family child care home" means a residence in which family child care is provided for up to 8 children.

(f) "Foster care" means continuous 24–hour care and supportive services provided for a minor child placed by a child placement agency in an approved family home.

(g) "Group care" means continuous 24–hour care and supportive services provided for a minor child placed in a licensed group facility.

(h) "Kinship care" means continuous 24–hour care and supportive services provided for a minor child placed by a child placement agency in the home of a relative related by blood or marriage within the 5th degree of consanguinity or affinity under the civil law rule.

(i) "Large family child care home" means a residence in which family child care is provided for at least 9 but not more than 12 children.

(j) (1) "License" means a license issued by the Administration under this subtitle.

(2) "License" includes:

(i) a child placement agency license;

(ii) a child care home license;

(iii) a child care institution license; and

(iv) a residential educational facility license.

(k) "Local board" means a local citizen board of review for children in out–of–home care.

(l) "Out–of–home care" means:

(1) out–of–home placement; and

(2) the monitoring of and services provided to a child in aftercare following a child's out–of–home placement.

(m) "Out–of–home placement" means placement of a child into foster care, kinship care, group care, or residential treatment care.

(n) "Residential educational facility" means:

(1) a facility that:

(i) provides special education and related services for students with disabilities;

(ii) holds a certificate of approval issued by the State Board of Education; and

(iii) provides continuous 24–hour care and supportive services to children in a residential setting; or

(2) one of the following schools:

(i) the Benedictine School;

(ii) the Linwood School;

(iii) the Maryland School for the Blind; or

(iv) the Maryland School for the Deaf.

(o) "Residential treatment care" means continuous 24–hour care and supportive services for a minor child placed in a facility that provides formal programs of basic care, social work, and health care services.

(p) "State Board" means the State Citizens Review Board for Children.

(q) "Unregistered family child care home" means a residence in which family child care is provided and in which the child care provider:

(1) has not obtained a certificate of registration from the State Department of Education;

(2) is not related by blood or marriage to each child in the provider's care;

(3) is not a friend of each child's parents or legal guardian and is providing care on a regular basis; and

(4) has not received the care of the child from a child placement agency licensed by the Administration or by a local department.

(r) "Voluntary placement agreement" means a binding, written agreement that:

(1) is voluntarily entered into between a local department and:

(i) the parent or legal guardian of a minor child; or

(ii) a former CINA whose commitment to the local department was rescinded after the individual reached the age of 18 years but before the individual reached the age of 20 years and 6 months; and

(2) specifies, at a minimum:

(i) the legal status of the child or former CINA; and

(ii) the rights and obligations of the parent or legal guardian, the child or former CINA, and the local department while the child or former CINA is in placement.

§5–502.

(a) The General Assembly declares that:

(1) minor children are not capable of protecting themselves; and

(2) when a parent has relinquished the care of the parent's minor child to others, there is a possibility of certain risks to the child that require compensating measures.

(b) It is the policy of this State:

(1) to protect minor children whose care has been relinquished to others by the children's parent;

(2) to resolve doubts in favor of the child when there is a conflict between the interests of a minor child and the interests of an adult; and

(3) to encourage the development of child care services for minor children in a safe, healthy, and homelike environment.

§5–503.

(a) This section does not limit the powers of the Administration under this subtitle or the Department of Juvenile Services under Title 9 of the Human Services Article.

(b) An agent, officer, or representative of a Maryland corporation formed for the care, custody, or protection of minor children who has care or custody of a minor child has the authority and privileges of a law enforcement officer for any purpose related to the objectives of the corporation.

(c) (1) A person, including a person acting under claim or color of authority over a minor child as a parent, guardian, or otherwise, may not interfere with or obstruct an agent, officer, or representative described in subsection (b) of this section in relation to the care, custody, or protection of the minor child by the agent, officer, or representative.

(2) A person who violates this subsection is guilty of a misdemeanor.

§5–504.

(a) Foster parents in this State have the following rights:

(1) the right, at the initial placement, at any time during the placement of a child in foster care, and as soon as practicable after new information becomes available, to receive full information from the caseworker, except for information about the family members that may be privileged or confidential, on the physical, social, emotional, educational, and mental history of a child which would possibly affect the care provided by a foster parent;

(2) with regard to the local department case planning, the right to:

(i) except for meetings covered by the attorney-client privilege or meetings in which confidential information about the natural parents is discussed, be notified of, and when applicable, be heard at scheduled meetings and staffings concerning a child in order to actively participate, without superseding the rights of the natural parents to participate and make appropriate decisions regarding the child, in the case planning, administrative case reviews, interdisciplinary staffings, and individual educational planning and mental health team meetings;

(ii) be informed of decisions made by the courts or a child welfare agency concerning a child; and

(iii) provide input concerning the plan of services for a child and to have that input given full consideration by the local department; and

(3) the right to be given reasonable written notice, waived only in cases of a court order or when a child is determined to be at imminent risk of harm, of plans to terminate the placement of a child with a foster parent.

(b) This section does not create, and may not be construed to create, a cause of action for foster parents.

§5–505.

(a) (1) In this section the following words have the meanings indicated.

(2) "Beaded chain" means a series of small spheres, equally spaced on a cord or connected by metal shafts used to raise and lower a window covering.

(3) "Cord loop" means a curving or doubling of a beaded chain or cord to form a closed loop.

(4) "Cordless window covering" means:

(i) a horizontal blind or cellular shade that has no draw cord and the internal lift cord runs in the slats of the horizontal blind so that the cord is incapable of forming a loop greater than 7.25 inches;

(ii) a Roman shade, roll–up blind, or woven shade that has no draw cord and the lift cord is completely enclosed so that it is not accessible;

(iii) a vertical blind that has a wand as its operating mechanism and does not contain any beaded chains, corded pulleys, or other cord loop operating mechanisms; and

(iv) a roller shade that does not contain a cord or beaded chain.

(5) "Draw cord" means any form of rope, strap, or string used to raise or lower a window covering.

(6) "Internal lift cord" means a cord that is contained inside the body and rails of the blind or shade.

(7) "Wand" means a rod used to:

(i) rotate a vertical blind; or

(ii) tilt a horizontal blind.

(b) This section applies only to foster homes, family child care homes, large family child care homes, and child care centers in the State.

(c) (1) All new and replacement window coverings installed on or after October 1, 2010, shall be cordless window coverings.

(2) All window coverings in place before October 1, 2010, shall meet minimum safety standards established in regulations jointly adopted by the Department and the State Department of Education that include standards for:

(i) Roman shades, roll–up shades, woven shades, and all window coverings with exposed and unsecured cords;

(ii) horizontal blinds, cellular shades, and all window coverings that have draw cords for their operation; and

(iii) vertical blinds and other window covering products with loops utilized in their operation.

(3) If a person fails to comply with the requirements of subsection (c)(2) of this section, the appropriate agency may require replacement of existing window coverings with cordless window coverings.

§5–506.

(a) The General Assembly intends that:

(1) all children whose care is the responsibility of this State shall have similar protection in terms of health, safety, and quality of care; and

(2) the rules and regulations of agencies that are charged with child care shall be comparable.

(b) In addition to other regulations adopted under this title, the Department may adopt regulations to carry out §§ 5-507, 5-508, 5-509, and 5-509.1 of this subtitle, which relate to the licensing of child placement agencies, child care homes, child care institutions, and residential educational facilities.

(c) (1) By regulation, the Department may delegate authority to child placement agencies to issue licenses or approve applicants for licenses under this subtitle.

(2) Any regulation adopted by the Department under this subsection shall provide for an appeal to an administrative appellate authority from a decision of a child placement agency.

(d) (1) A child placement agency, child care home, child care institution, or residential educational facility may not be required to obtain a license from more than

one State agency.

(2) Any State agency authorized to license child placement agencies, child care homes, child care institutions, or residential educational facilities may make cooperative arrangements with any other State agency to give effect to paragraph (1) of this subsection.

(e) The Department shall cooperate in planning and determining the cost of developing and implementing a system of evaluating the success of services to children in out–of–home placement.

§5–507.

(a) Except as otherwise provided in this section, a person shall be licensed by the Administration as a child placement agency before the person may engage in the placement of minor children in homes or with individuals.

(b) A license is not required:

(1) for a person to place a child with an individual related to the child by blood or marriage within 4 degrees of consanguinity or affinity under the civil law rule;

(2) except as provided in § 5-3B-12 of this title, for a parent or grandparent of a child to place the child directly, without the intervention of any other person except the recipient of the child; or

(3) for a lawyer to prepare pleadings necessary to accomplish the adoption of a child or to perform any other function associated with the normal practice of law.

§5–508.

(a) Except as otherwise provided in this section, a person shall be licensed by the Administration as a child care home before the person may exercise care, custody, or control of a minor child.

(b) This section does not apply:

(1) to a parent of the child;

(2) to an individual related to the child by blood or marriage within five degrees of consanguinity or affinity under the civil law rule;

(3) to a guardian of the child;

(4) to a person who exercises temporary care, custody, or control over the child at the request of a parent or guardian of the child and who is not required otherwise to be licensed;

(5) to an individual with whom the child is placed in foster care by:

(i) a child placement agency that is licensed under § 5–507 of this subtitle;

(ii) a local department;

(iii) the Department of Juvenile Services;

(iv) the Secretary of Health and Mental Hygiene; or

(v) a court of competent jurisdiction;

(6) to a person who has the care, custody, or control of the child through placement for adoption by a parent or grandparent of the child, if the requirements of § 5–3B–12 of this title are met;

(7) to an institution that has a child care institution license under this subtitle or under § 9–236 of the Human Services Article; or

(8) to an institution that is operated by an agency of this State or any political subdivision of this State.

§5–509.

(a) Except as otherwise provided in this section, a person shall be licensed by the Administration as a child care institution before the person may operate an institution for the care, custody, or control of a minor child.

(b) This section does not apply:

(1) to an institution or facility that is operated by an agency of this State or any political subdivision of this State;

(2) to a child care home that has a license under this subtitle or under § 9–235 of the Human Services Article; or

(3) to an institution that accepts only children placed by the Department of Health and Mental Hygiene or the Department of Juvenile Services.

§5–509.1.

(a) Except as otherwise provided in subsection (b) of this section and subject to subsection (c) of this section, on or after January 1, 2000, a person shall be licensed by the Administration before the person may operate a residential educational facility.

(b) This section does not apply:

(1) to a child care home that has a license under this subtitle or under § 9–235 of the Human Services Article;

(2) to a child care institution that has a license under this subtitle or under § 9–236 of the Human Services Article; or

(3) to an institution that accepts only children placed by the Department of Health and Mental Hygiene or the Department of Juvenile Services.

(c) This section does not affect any requirement that a residential educational facility obtain a certificate of approval from the State Board of Education for its educational program.

§5–510.

To apply for a license under this subtitle, an applicant shall submit an application to the Administration on the form that the Administration requires.

§5–511.

Before any license may be issued under this subtitle to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9-101 of the Labor and Employment Article, the employer shall file with the Administration:

(1) a certificate of compliance with the Maryland Workers' Compensation Act; or

(2) the number of a workers' compensation insurance policy or binder.

§5–512.

If the other state extends the same recognition and reciprocal relations to licensees under this subtitle, the Administration may recognize and deal with a person licensed or recognized by any other state as being authorized to exercise care, custody, or control of minor children or to engage in the placement of minor children.

§5–513.

Within 60 days after it receives the application, the Administration shall issue or deny a license under this subtitle and give notice of the action to the applicant.

§5–514.

A license issued under this subtitle is effective until the license is revoked or suspended under § 5-515 of this subtitle.

§5–515.

Subject to the hearing provisions of § 5-516 of this subtitle, if a licensee violates any provision of this subtitle or of a rule or regulation adopted under this subtitle, the Administration may:

(1) suspend the license for a period not exceeding 1 year; or

(2) revoke the license.

§5–516.

The Administration may not suspend or revoke a license under this subtitle unless the Administration gives to the licensee:

(1) notice of the suspension or revocation at least 20 days before the suspension or revocation;

(2) a statement of the grounds for the suspension or revocation; and

(3) an opportunity to be heard.

§5–517.

A person authorized to make a placement who is aggrieved by a decision of a child placement agency that has a delegated authority to issue or approve a license under this subtitle may appeal the decision to the administrative appellate authority designated by regulation.

§5–518.

(a) A person aggrieved by a final decision of the highest administrative appellate authority in a contested case may take any further appeal as allowed by the Administrative Procedure Act.

(b) If a further appeal is taken under this section:

(1) any criminal prosecution of the person for carrying on without a license an activity for which the person must be licensed under this subtitle shall be stayed pending the appeal;

(2) any injunction against the person for carrying on without a license an activity for which the person must be licensed under this subtitle shall be stayed pending the appeal; and

(3) the court has discretion as to the care, custody, or control of any child whose care, custody, or control is the responsibility of the person.

§5–519.

(a) In connection with the issuance, suspension, or revocation of a license under this subtitle, the Administration may investigate the policies, purposes, premises, and facilities of a licensee or an applicant for a license.

(b) The Director of the Administration may petition an equity court to enjoin

the activities and operations of a person who seeks to carry on, without a license, the activities for which the person must be licensed under this subtitle. The petition shall be filed in the circuit court for the county in which the person is located or has a place of business.

§5–520.

(a) In placing a minor child for adoption or in giving the care, custody, or control of a minor child to any person, a licensee shall give preference to persons of the same religious belief as that of the child or the child's parents unless the parents specifically indicate a different choice.

(b) A person authorized to place a minor child for adoption shall compile and make available to an adoptive parent a pertinent medical history of the child's natural parents, if possible.

(c) A medical history compiled under this section may not disclose or permit disclosure of the names or identity of a child's natural parents.

§5–521.

A person who, in violation of any provision of this Part II of this subtitle, exercises care, custody, or control of a minor child unrelated by blood or marriage or makes a placement of a minor child unrelated by blood or marriage is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 or imprisonment not exceeding 1 year.

§5–524.

The Administration shall provide child welfare services to a child and the child's parent or guardian:

(1) to assist in preventing the necessity of placing the child outside of the child's home;

(2) to reunite the child with the child's parent or guardian after the child has been placed in foster care; or

(3) if the child has been placed in foster care and cannot return to the child's parent or guardian, to develop and implement an alternative permanent plan for the child.

§5–525.

(a) (1) In this section, "disability" means:

(i) a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

(ii) a mental impairment or deficiency;

(iii) a record of having a physical or mental impairment as defined under this subsection; or

(iv) being regarded as having a physical or mental impairment as defined under this subsection.

(2) "Disability" includes:

(i) any degree of paralysis or amputation;

(ii) blindness or visual impairment;

(iii) deafness or hearing impairment;

(iv) muteness or speech impediment;

(v) physical reliance on a service animal or a wheelchair or other remedial appliance or device; and

(vi) intellectual disability, as defined in § 7–101 of the Health – General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(b) (1) The Administration shall establish a program of out–of–home placement for minor children:

(i) who are placed in the custody of a local department, for a period of not more than 180 days, by a parent or legal guardian under a voluntary placement agreement;

(ii) who are abused, abandoned, neglected, or dependent, if a juvenile court:

1. has determined that continued residence in the child's home is contrary to the child's welfare; and

2. has committed the child to the custody or guardianship of a local department; or

(iii) who, with the approval of the Administration, are placed in an out–of–home placement by a local department under a voluntary placement agreement subject to paragraph (2) of this subsection.

(2) (i) A local department may not seek legal custody of a child under a voluntary placement agreement if the child has a developmental disability or a mental illness and the purpose of the voluntary placement agreement is to obtain treatment or care related to the child's disability that the parent is unable to provide.

(ii) A child described in subparagraph (i) of this paragraph may remain in an out–of–home placement under a voluntary placement agreement for more than 180 days if the child's disability necessitates care or treatment in the out–of–home placement and a juvenile court makes a finding that continuation of the placement is in the best interests of the child.

(iii) Each local department shall designate, from existing staff, a staff person to administer requests for voluntary placement agreements for children with developmental disabilities or mental illnesses.

(iv) Each local department shall report annually to the Administration on the number of requests for voluntary placement agreements for children with developmental disabilities or mental illnesses that have been received, the outcome of each request, and the reason for each denial.

(v) On receipt of a request for a voluntary placement agreement for a child with a developmental disability or a mental illness, a local department shall discuss the child's case at the next meeting of the local care team for the purpose of determining whether any alternative or interim services for the child and family may be provided by any agency.

(3) (i) The Administration shall establish a program of out–of–home placement for former CINAs:

1. whose commitment to a local department was rescinded after the individuals reached the age of 18 years but before the individuals reached the age of 20 years and 6 months; and

2. who did not exit foster care due to reunification, adoption, guardianship, marriage, or military duty.

(ii) The Administration shall adopt regulations that include eligibility requirements in accordance with federal law and regulations for providing assistance to individuals at least 18 years old.

(iii) A local department may not seek legal custody of a former CINA under a voluntary placement agreement.

(iv) A former CINA described in subparagraph (i) of this paragraph may remain in an out–of–home placement under a voluntary placement agreement for more than 180 days if the former CINA continues to comply with the voluntary placement agreement and a juvenile court makes a finding that the continuation of the placement is in the best interests of the former CINA.

(c) In establishing the out–of–home placement program the Administration shall:

(1) provide time–limited family reunification services to a child placed in

an out–of–home placement and to the parents or guardian of the child, in order to facilitate the child's safe and appropriate reunification within a timely manner;

(2) concurrently develop and implement a permanency plan that is in the best interests of the child; and

(3) provide training on an annual basis for the staff at each local department who administer requests for voluntary placement agreements for children with developmental disabilities or mental illnesses under subsection (b) of this section.

(d) (1) The local department shall provide 24–hour a day care and supportive services for a child who is committed to its custody or guardianship in an out–of–home placement on a short–term basis or placed in accordance with a voluntary placement agreement.

(2) (i) A child may not be committed to the custody or guardianship of a local department and placed in an out–of–home placement solely because the child's parent or guardian lacks shelter or has a disability or solely because the child's parents are financially unable to provide treatment or care for a child with a developmental disability or mental illness.

(ii) The local department shall make appropriate referrals to emergency shelter services and other services for the homeless family with a child which lacks shelter.

(e) (1) Unless a court orders that reasonable efforts are not required under § 3–812 of the Courts Article or § 5–323 of this title, reasonable efforts shall be made to preserve and reunify families:

(i) prior to the placement of a child in an out–of–home placement, to prevent or eliminate the need for removing the child from the child's home; and

(ii) to make it possible for a child to safely return to the child's home.

(2) In determining the reasonable efforts to be made and in making the reasonable efforts described under paragraph (1) of this subsection, the child's safety and health shall be the primary concern.

(3) Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with the reasonable efforts described under paragraph (1) of this subsection.

(4) If continuation of reasonable efforts to reunify the child with the child's parents or guardian is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, including consideration of both in–State and out–of–state placements, and to complete the steps to finalize the permanent placement of the child.

(f) (1) In developing a permanency plan for a child in an out–of–home placement, the local department shall give primary consideration to the best interests of the child, including consideration of both in–State and out–of–state placements. The local department shall consider the following factors in determining the permanency plan that is in the best interests of the child:

(i) the child's ability to be safe and healthy in the home of the child's parent;

(ii) the child's attachment and emotional ties to the child's natural parents and siblings;

(iii) the child's emotional attachment to the child's current caregiver and the caregiver's family;

(iv) the length of time the child has resided with the current caregiver;

(v) the potential emotional, developmental, and educational harm to the child if moved from the child's current placement; and

(vi) the potential harm to the child by remaining in State custody for an excessive period of time.

(2) To the extent consistent with the best interests of the child in an out–of–home placement, the local department shall consider the following permanency plans, in descending order of priority:

(i) returning the child to the child's parent or guardian, unless the local department is the guardian;

(ii) placing the child with relatives to whom adoption, custody and guardianship, or care and custody, in descending order of priority, are planned to be granted;

(iii) adoption in the following descending order of priority:

1. by a current foster parent with whom the child has resided continually for at least the 12 months prior to developing the permanency plan or for a sufficient length of time to have established positive relationships and family ties; or

2. by another approved adoptive family; or

(iv) another planned permanent living arrangement that:

1. addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and

2. includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life.

(3) Subject to paragraphs (1) and (2) of this subsection and to the extent consistent with the best interests of a child in an out–of–home placement, in determining a permanency plan, the local department shall consider the following in descending order of priority:

(i) placement of the child in the local jurisdiction where the child's parent or guardian resides; or

(ii) if the local department finds, based on a compelling reason, that placement of the child as described in item (i) of this paragraph is not in the best interest of the child, placement of the child in another jurisdiction in the State after considering:

1. the availability of resources to provide necessary services to the child;

2. the accessibility to family treatment, if appropriate; and

3. the effect on the local school system.

(g) (1) The local department shall:

(i) prepare the permanency plan in writing within 60 days of the date the child comes into care;

(ii) if the child is under the jurisdiction of the juvenile court, furnish the plan to the child's parents, the child or the child's counsel, and to the juvenile court; and

(iii) maintain the plan in the agency's case record.

(2) The local department shall amend the plan promptly as necessary in light of the child's situation and any court orders which affect the child.

(h) Unless a child has received a review from the local board of review of foster care under § 5–544 of this subtitle, the local department shall perform an administrative review every 6 months to determine the success of the efforts to meet the goals set out in the permanency plan or the agreement with the parents or guardians in voluntary placements.

(i) (1) Foster parents who wish to adopt a foster child in their care and who wish to contest the agency's decision to place the child with another adoptive family may, within 30 days from the removal of the child, file with the agency a request for a hearing.

(2) Within 10 days after receipt of a request for a hearing under paragraph

(1) of this subsection, the agency shall notify the Office of Administrative Hearings, which shall hold the hearing and issue a decision within 45 days of the receipt of the request.

(j) The Administration shall adopt regulations that:

(1) establish goals and specify permanency planning procedures that:

(i) maximize the prospect for reducing length of stay in out–of–home placement in the best interests of children; and

(ii) implement the intent of this section;

(2) prohibit a local department from seeking the custody or guardianship of a child for placement in foster care solely because the child's parent or guardian lacks shelter or has a disability or solely because the child's parents are financially unable to provide treatment or care for a child with a developmental disability or mental illness;

(3) specify the compelling reasons for placing a child in a local jurisdiction other than the local jurisdiction where the child's parent or guardian resides, under subsection (f)(3)(ii) of this section;

(4) require the local department to make appropriate referrals to emergency shelter and other services for families with children who lack shelter;

(5) establish criteria for investigating and approving foster homes, including requirements for window coverings in accordance with § 5–505 of this subtitle; and

(6) for cases in which the permanency plan recommended by the local department or under consideration by the court includes appointment of a guardian and rescission of the local department's custody or guardianship of a child:

(i) establish criteria for investigating and determining the suitability of prospective relative or nonrelative guardians; and

(ii) require the filing of a report with the court as provided in § 3–819.2 of the Courts Article.

(k) (1) At least one time each year, the Administration shall provide a child in an out–of–home placement who is at least 13 years old information regarding benefits available to the child on leaving out–of–home care.

(2) The information provided under paragraph (1) of this subsection shall include information regarding tuition assistance, health care benefits, and job training and internship opportunities.

(3) The Administration may provide the child the information required

under paragraph (1) of this subsection:

(i) at a permanency planning hearing or review hearing held in accordance with § 3–823 of the Courts Article; or

(ii) by certified mail.

§5–525.1.

(a) If a child placement agency to which a child is committed under § 5-525 of this subtitle determines that adoption of the child is in the best interest of the child, the child placement agency shall refer the case to the agency attorney within 60 days of the determination and the agency attorney shall file a petition for termination of the natural parent's rights with the court within 60 days of receipt of the referral.

(b) (1) Except as provided in paragraph (3) of this subsection, a local department to which a child is committed under § 5-525 of this subtitle shall file a petition for termination of parental rights or join a termination of parental rights action that has been filed if:

(i) the child has been in an out-of-home placement for 15 of the most recent 22 months;

(ii) a court finds that the child is an abandoned infant; or

(iii) a court finds that the parent has been convicted, in any state or any court of the United States, of:

1. a crime of violence against:

A. a minor offspring of the parent;

B. the child; or

C. another parent of the child; or

2. aiding or abetting, conspiring, or soliciting to commit a crime described in item 1 of this item.

(2) For purposes of this subsection, a child shall be considered to have entered an out-of-home placement 30 days after the child is placed into an out-of-home placement.

(3) A local department is not required to file a petition or join an action if:

(i) the child is being cared for by a relative;

(ii) the local department has documented in the case plan, which shall be available for court review, a compelling reason why termination of parental

rights would not be in the child's best interests; or

(iii) the local department has not provided services to the family consistent with the time period in the local department's case plan that the local department considers necessary for the safe return of the child to the child's home.

(c) If a petition is filed under subsection (b) of this section, the local department shall identify, recruit, process, and seek to approve a qualified family for adoption, guardianship, or other permanent placement.

(d) This section may not be construed to:

(1) prohibit the filing of a petition at an earlier date or under other appropriate circumstances; or

(2) require a local department to file a petition or, except as otherwise provided by law, require expedited termination of parental rights for a child in kinship care.

§5–525.2.

(a) (1) A local department shall place together siblings who are in an out-of-home placement under § 5-525 of this subtitle if:

(i) it is in the best interests of the siblings to be placed together; and

(ii) placement of the siblings together does not conflict with a specific health or safety regulation.

(2) If placement of the siblings together conflicts with a specific health or safety regulation, the local department may place the siblings together if the local department makes a written finding describing how placement of the siblings together serves the best interests of the siblings.

(b) (1) Any siblings who are separated due to a foster care or adoptive placement may petition a court, including a juvenile court with jurisdiction over one or more of the siblings, for reasonable sibling visitation rights.

(2) If a petitioner under this subsection petitions a court to issue a visitation decree or to amend an order, the court:

(i) may hold a hearing to determine whether visitation is in the best interest of the children;

(ii) shall weigh the relative interests of each child and base its decision on the best interests of the children promoting the greatest welfare and least harm to the children; and

(iii) may issue an appropriate order or decree.

§5–526.

(a) (1) The Department shall provide for the care, diagnosis, training, education, and rehabilitation of children by placing them in group homes and institutions that are operated by for-profit or nonprofit charitable corporations.

(2) Any group home utilized under the provisions of this section shall comply with the provisions of §§ 5-507 through 5-509 of this subtitle and § 7-309 of the Education Article.

(3) The department that licenses the group home shall notify any group home utilized under the provisions of this section of the requirements of § 7-309 of the Education Article.

(b) (1) The Department shall reimburse these corporations for the cost of these services at appropriate monthly rates that the Department determines, as provided in the State budget.

(2) The reimbursement rate may differ between homes and institutions that provide intermediate services, as defined by the Department, and homes and institutions that provide full services.

(c) The Department, or the Department's designee, may not place a child in a residential group home or other facility that is not operating in compliance with applicable State licensing laws.

§5–527.

(a) The Department shall adopt rules and regulations that establish eligibility guidelines for payment for foster care for 1 or more classes of children, including children who are in need of special care.

(b) (1) For a child who does not need special care, the Department shall pay for foster care in a single family home at a monthly rate that is not less than 55% of the monthly rate provided in subsection (c) of this section for a child who requires the most demanding special care in a single family home.

(2) The monthly rate shall include increments based on the age of the child.

(c) The Department shall pay for foster care for a child who needs the most demanding special care in a single family home at a monthly rate that is not less than the higher of:

(1) the rate that the Department paid in fiscal year 1975; and

(2) the rate that the Department of Juvenile Services pays for the current fiscal year.

§5–528.

If the costs are not reimbursable under the Maryland Medical Assistance Program, the Department shall reimburse a foster care provider for payment of the following medical costs for a child under foster care:

(1) prescription drugs;

(2) nonprescription drugs that are recommended by a physician;

(3) replacement of eyeglasses; and

(4) any other service that was covered by regulations under the Maryland Medical Assistance Program on December 31, 1975.

§5–529.

(a) In this section, "foster parent" includes an individual who cares for a minor child on an emergency basis under a shelter care program.

(b) (1) The Administration shall provide liability insurance for foster parents who care for children under foster parent programs.

(2) The liability insurance shall provide coverage for:

(i) bodily injury and property damage that a foster child causes to a person or the property of a person other than a foster parent; and

(ii) actions against a foster parent by a natural parent for any accident to the child.

(3) The Administration may establish a reasonable deductible limit.

(c) (1) Subject to the provisions of this section, the Secretary of Human Resources shall reimburse a foster parent for costs of bodily injury or property damage that the child causes to the foster parent and that insurance does not cover.

(2) Before reimbursement under this subsection, the Secretary of Human Resources shall be satisfied that the actions of the foster parent did not contribute substantially to the bodily injury or property damage sustained.

(3) Reimbursement under this subsection shall be made for all costs to a maximum amount of $5,000. However, all payments in excess of $2,000 require the approval of the Board of Public Works.

§5–530.

(a) The Department may contribute to the support of a child formerly under foster care after the child is adopted.

(b) The support may include payment for:

(1) maintenance costs;

(2) medical, dental, and surgical expenses;

(3) psychiatric and psychological expenses; and

(4) any other cost necessary for the child's care and well-being.

(c) The amount and duration of the support may vary according to the needs of the child and the income of the adoptive parents.

§5–531.

(a) A local department may pay reasonable funeral expenses, not exceeding $650, for a child who was receiving foster care under this subtitle, if:

(1) no individual who was legally responsible for the support of the child is able to pay; and

(2) other resources, including insurance benefits or the child's estate, are insufficient.

(b) The cost of funeral expenses shall be charged to State funds.

§5–532.

(a) The Administration shall adopt rules and regulations to carry out the child welfare services and foster care programs under this subtitle.

(b) The regulations shall authorize the Administration to:

(1) conduct a background check of child support arrearages on an applicant for foster home approval who is also a biological or adoptive parent;

(2) consider any child support arrearage in determining whether to approve or disapprove the application; and

(3) notify the appropriate criminal or juvenile delinquency court if the Administration has information indicating that the child's interests as a victim are not adequately protected in a case before the court.

§5–533.

(a) (1) In this section, "residential facility for children" means a public or private facility that provides shelter for minors for more than 30 consecutive days in an out-of-home placement.

(2) "Residential facility for children" includes:

(i) a child care institution or child care home licensed under this title;

(ii) a group home, runaway home, residential treatment program, or independent living program;

(iii) a State facility;

(iv) a certified drug abuse facility; or

(v) a certified alcohol abuse facility.

(3) "Residential facility for children" does not include:

(i) a foster care home;

(ii) a hospital, hospice, or medical care facility; or

(iii) a regional institute for children and adolescents.

(b) (1) A residential facility for children shall maintain contracts or other agreements with appropriate health care providers to provide the following health care services for each child who resides in the facility for more than 30 consecutive days:

(i) a physical examination and necessary medical treatment; and

(ii) appropriate mental health services.

(2) Within 30 days after a child is placed in a residential facility for children the residential facility shall ensure that a health care provider:

(i) conducts a physical examination of the child; and

(ii) provides a report on the findings of the examination to the residential facility for children where the child resides.

(c) (1) Upon the finding of a court of competent jurisdiction, a residential facility for children that violates this section shall be fined $25 per day per child for each day that the violation exists.

(2) If a fine is imposed on a residential facility for children, the director or

the administrator of the residential facility for children may be liable for payment of the fine.

§5–534.

(a) In this section, "kinship parent" means an individual who is related by blood or marriage within five degrees of consanguinity or affinity under the civil law rule to a child who is in the care, custody, or guardianship of the local department and with whom the child may be placed for temporary or long–term care other than adoption.

(b) The Administration shall establish a kinship care program.

(c) (1) In selecting a placement that is in the best interests of a child in need of out–of–home placement, the local department shall, as a first priority, attempt to place the child with a kinship parent.

(2) The local department shall exhaust all reasonable resources to locate a kinship parent for initial placement of the child.

(3) If no kinship parent is located at the time of the initial placement, the child shall be placed in a foster care setting.

(4) If a kinship parent is located subsequent to the placement of a child in a foster care setting, the local department may, if it is in the best interest of the child, place the child with the kinship parent.

(d) A kinship parent may not be less than 18 years of age.

(e) The Administration shall adopt regulations to implement this section that are consistent with the provisions of this section.

§5–535.

There is a State Citizens Review Board for Children.

§5–536.

(a) (1) The State Board consists of 11 members.

(2) Of the 11 members:

(i) 1 shall be appointed by the Governor from the Governor's staff;

(ii) 3 shall be from the eighth judicial circuit, to be chosen by and from among the members of the local boards in the circuit; and

(iii) 1 shall be from each of the remaining judicial circuits, to be chosen by and from among the members of the local boards in the respective circuits.

(b) (1) The term of a member is 2 years.

(2) A member may not serve on the State Board beyond the completion of the term of the member on the local board.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

§5–537.

(a) From among its members, the State Board shall elect a chair and a vice chair by majority vote.

(b) (1) The terms of the chair and vice chair are 2 years.

(2) At the end of a term, the chair or vice chair continues to serve until a successor is elected.

§5–538.

(a) The State Board shall meet not less than once every 3 months and more frequently on the call of the chair.

(b) A member of the State Board:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(c) The State Board may employ a staff in accordance with the State budget.

§5–539.

(a) The State Board may adopt policies and procedures that:

(1) relate to the functions of the local boards; and

(2) are consistent with the goals set forth in § 5–544 of this subtitle.

(b) The State Board shall:

(1) provide a training program for members of the local boards and local citizens review panels;

(2) review and coordinate the activities of the local boards;

(3) adopt policies and procedures that relate to reports and any other information that is required for any public or private agency or institution;

(4) make recommendations to the Secretary of Human Resources and the General Assembly regarding:

(i) the response of the State to child abuse and neglect; and

(ii) out–of–home care policies, procedures, and practices; and

(5) subject to § 2–1246 of the State Government Article, report to the General Assembly and the Secretary of Human Resources on the first day of each year on the status of children in out–of–home placement in this State.

§5–539.1.

(a) In addition to any duties set forth elsewhere, the State Board shall, by examining the policies, procedures, and practices of State and local agencies and by reviewing, where appropriate, specific cases, evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities in accordance with:

(1) the State plan under 42 U.S.C. § 5106a(b);

(2) the child protection standards set forth in 42 U.S.C. § 5106a(b); and

(3) any other criteria that the State Board considers important to ensure the protection of children, including:

(i) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption program established under Part E of Title IV of the Social Security Act; and

(ii) a review of child fatalities and near fatalities.

(b) (1) Case reviews conducted under subsection (a) of this section shall include questions designed to meet the quality assessment goals for casework services in § 5–1308 of this title.

(2) The State Board shall tabulate and analyze the results of all case reviews conducted under subsection (a) of this section and submit the results and findings for consideration as part of the local department self–assessment process in § 5–1309 of this title.

(3) The State Board shall tabulate and analyze the results of all case reviews, both on a jurisdictional and a statewide basis, and submit the results and findings to the Department on a quarterly basis.

(c) The State Board shall:

(1) provide for public outreach and comment; and

(2) make available to the public systemic findings and recommendations of the State Board, the local citizen review panel, if any, and the local boards.

(d) The State Board may:

(1) by a majority vote of its members add up to four members with expertise in the prevention and treatment of child abuse and neglect for the purpose of performing its duties under this section; and

(2) to assist the State Board in its reviews of specific cases, designate:

(i) local teams composed of members of local boards of out–of–home care of children and staff; or

(ii) local citizens review panels established under § 5–539.2 of this subtitle.

(e) In consultation with local citizens review panels and the State Council on Child Abuse and Neglect, the State Board shall develop protocols that govern the scope of activities of local citizens review panels to reflect the provisions of the federal Child Abuse Prevention and Treatment Act (42 U.S.C. § 5101 et seq.).

(f) The State Board shall coordinate its activities under this section with the State Council on Child Abuse and Neglect, the State Child Fatality Review Team, local citizens review panels, and the local child fatality review teams in order to avoid unnecessary duplication of effort.

(g) (1) The State Board shall submit, subject to § 2–1246 of the State Government Article, to the General Assembly and the Secretary of Human Resources on or before January 1 of each year and prepare and make available to the public a report containing a summary of its activities, findings, and recommendations under this section.

(2) The State Board may combine the reports required under paragraph (1) of this subsection and § 5–539 of this subtitle.

(h) Within 120 days after receiving the report from the State Board under § 5–539 of this subtitle or the report under subsection (g) of this section, the Secretary of Human Resources shall send a written response to the State Board describing the actions to be taken by the Department in response to the recommendations of the State Board.

§5–539.2.

(a) (1) A local government may establish a local citizens review panel to assist and advise the State Board and the State Council on Child Abuse and Neglect.

(2) Two or more counties may establish a multicounty local citizens review panel, in accordance with a memorandum of understanding executed by the governing bodies of each participating county.

(b) Except as provided in subsection (c)(2) of this section, the members and chair of a local citizens review panel shall be appointed by the local governing body.

(c) Membership on a local citizens review panel shall be representative of the local jurisdiction and include:

(1) individuals with expertise in the prevention and treatment of child abuse and neglect, such as child advocates, volunteers of the court–appointed special advocate program, attorneys who represent children, parent and consumer representatives, law enforcement representatives, and health, human, and educational services professionals; and

(2) one member from the local jurisdiction, who is appointed by the State Board and one who is appointed by the State Council on Child Abuse and Neglect.

(d) (1) The term of a member is 4 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(e) A local panel shall:

(1) evaluate the extent to which State and local agencies in that jurisdiction are effectively fulfilling their responsibilities in accordance with the child protection standards and the State plan under 42 U.S.C. § 5106a(b) and any other criteria that the panel considers important for the protection of children;

(2) issue reports on its findings to the State Board and the State Council on Child Abuse and Neglect; and

(3) carry out case reviews and other duties as requested to assist the State Board and the State Council on Child Abuse and Neglect.

§5–539.3.

(a) The members of the State Board and the Board's designees and staff:

(1) may not disclose to any person or government official any identifying information about any specific child protection case about which the State Board is

provided information; and

(2) may make public other information unless prohibited by law.

(b) In addition to any other penalties provided by law, the Special Secretary for Children, Youth, and Families may impose on any person who violates subsection (a) of this section a civil penalty not exceeding $500 for each violation.

§5–540.

(a) Except as provided in subsection (b) of this section, there shall be at least 1 local board of review for minor children in out–of–home care in each county.

(b) Instead of a local board in each county, 2 or more counties may agree to establish a single multicounty local board in accordance with a memorandum of understanding executed by the participating counties.

§5–541.

(a) (1) A local board consists of 7 members appointed by the Governor.

(2) If a single multicounty local board is established for 2 or more counties, and if it is necessary that 1 or more of those counties have a greater number of members on the local board in order for the local board to have 7 members, the greater number of members shall be appointed from the counties that have the largest out–of–home care populations, in order of the size of the out–of–home care populations.

(b) (1) Each member of a local board shall be a resident of a county that is served by the local board.

(2) Each member of a local board shall:

(i) be a citizen who has demonstrated an interest in minor children through community service, professional experience, or similar activities; or

(ii) have a background in law, sociology, psychology, psychiatry, education, social work, or medicine.

(c) (1) The term of a member is 4 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

§5–542.

(a) From among its members, each local board shall elect a chair by majority

vote.

(b) The term of the chair is 4 years.

§5–543.

(a) A member of a local board or local panel may not receive compensation.

(b) Each member of a local board or local panel is subject to the same standards of confidentiality as an employee of the Administration.

§5–544.

The goals of each local board are:

(1) as to minor children who reside in out–of–home care under the jurisdiction of a local department, to conduct case reviews and individual child advocacy activities in accordance with those case reviews under the protocols established by the State Board;

(2) in cooperation with other local boards, if any, in the county, to make recommendations regarding how the out–of–home care system may be improved;

(3) to coordinate its findings and recommendations under item (2) of this section with a local citizens review panel serving the county;

(4) to meet with the director of the local department and the judge in charge of the juvenile court in the county to discuss the board's findings and recommendations; and

(5) to assist the State Board in holding community forums as required in § 5–539.1 of this subtitle.

§5–545.

(a) (1) Each local board shall review children in out–of–home care in accordance with the regulations adopted by the State Board and the Secretary of Human Resources.

(2) The regulations adopted by the State Board and the Secretary of Human Resources shall require that the local boards review cases based on priorities agreed upon by the Department and the State Board and stated in a memorandum of agreement.

(b) Each local board shall report in writing to the juvenile court and the local department on each minor child whose case is reviewed by the local board.

(c) In the report, the local board shall include, where applicable, the following findings and recommendations:

(1) the applicability of provisions authorizing the waiver of reunification services in § 3–812 of the Courts Article;

(2) the appropriateness of the termination of parental rights for a minor child, including the applicability of the requirements and exceptions described in § 5–525.1 of this subtitle;

(3) agreement or disagreement with the permanency plan;

(4) any reasonable efforts made toward the preservation of family relationships and connections;

(5) the identification of barriers to achieve timely permanency;

(6) whether the child is receiving appropriate services to achieve the stated permanency goal;

(7) any reasonable efforts made towards a permanent placement and preparing the child for independent living, if applicable;

(8) the level of safety of current and planned living arrangements and the adequacy of the Department's efforts to keep the child safe;

(9) the appropriateness of the current living arrangement and agreement or disagreement with the local department's placement plan;

(10) the appropriateness of efforts to meet the child's education and health care needs; and

(11) any reasonable efforts made towards promoting the child's relationship with individuals who will play a lasting, supportive role in the child's life.

(d) (1) If the local board finds under subsection (c)(7) of this section that a child's current living arrangement is not appropriate and the child is not placed in the jurisdiction of origin, the local board shall explain why the arrangement is inappropriate, including whether:

(i) resources are not available to meet the child's service needs;

(ii) family treatment services are not accessible;

(iii) distance is a barrier to family visitation; or

(iv) the local school system is not meeting the child's educational needs.

(2) If the local board disagrees under subsection (c)(7) of this section with the local department's placement plan and the child would be placed outside the jurisdiction of origin, the local board shall explain why the plan is inappropriate,

including whether:

(i) resources are not available to meet the child's service needs;

(ii) family treatment services are not accessible;

(iii) distance is a barrier to family visitation; or

(iv) the local school system is not meeting the child's educational needs.

(e) (1) The State Board shall tabulate and analyze the results of the case reviews and submit the results and findings for consideration as part of the local department self–assessment process in § 5–1309 of this title.

(2) The State Board shall tabulate and analyze results of case reviews, both on a jurisdictional and a statewide basis, and submit the results and findings to the Department on a quarterly basis.

§5–546.

A public or private agency or institution shall give to the State Board and local boards any information that the boards request to perform their duties.

§5–547.

This Part IV of this subtitle:

(1) may not be construed to restrict or alter the authority of any public or private agency or institution that deals with out–of–home placement, adoption, or related matters; and

(2) is related to and should be read in relation to Subtitle 13 of this title and §§ 5–524, 5–525, 5–525.1, and 5–534 of this subtitle.

§5–550.

(a) In Part V of this subtitle the following words have the meanings indicated.

(b) "Department" means the State Department of Education.

(c) "Direct Grant Fund" means the Family Child Care Provider Direct Grant Fund.

(d) "Family child care provider" means an individual who cares for children in a registered family child care home or a registered large family child care home.

(e) "State Superintendent" means the State Superintendent of Schools.

§5–550.1.

(a) The Department shall implement a system of registration for family child care homes and large family child care homes.

(b) The purpose of registration of family child care homes and large family child care homes is to:

(1) protect the health, safety, and welfare of children while they are in family child care;

(2) identify family child care homes and large family child care homes;

(3) provide basic technical assistance and child care information to child care providers; and

(4) minimize the regulatory rigidity often associated with licensing.

(c) The system of registration is intended to promote a high degree of flexibility in the regulation of family child care homes and large family child care homes while assuring the health and safety of children who are cared for in family child care homes and large family child care homes.

§5–551.

(a) The Department shall adopt regulations that relate to the registration of family child care homes and large family child care homes.

(b) So far as practicable, the regulations shall be uniform with the rules and regulations adopted by other State agencies as those rules and regulations relate to other types of child care.

(c) At a minimum, the regulations of the Department shall provide for:

(1) minimum standards of environmental health and safety, including provisions for:

(i) adequate and safe physical surroundings, including requirements for window coverings in accordance with § 5–505 of this subtitle;

(ii) the physical and mental health of child care providers; and

(iii) investigation of any criminal record of a child care provider;

(2) a thorough evaluation of each prospective family child care home, large family child care home, and child care provider, to be completed before the Department accepts an initial registration;

(3) an initial family child care registration that expires 2 years after its

effective date;

(4) a continuing family child care registration that:

(i) upon application by the child care provider that meets the requirements set by the Department, is issued to the provider before the end of the initial registration period; and

(ii) once issued, remains in effect until surrendered, suspended, revoked, or replaced by a conditional registration;

(5) reporting of any changed circumstances that relate to the requirements, by the child care provider, at the time the change occurs;

(6) an orientation to be provided to prospective child care providers by the Department before initial registration;

(7) announced inspection by the Department of each registered family child care home and large family child care home prior to issuance of an initial or continuing registration to determine whether applicable requirements are being met;

(8) unannounced inspection by the Department of each registered family child care home and large family child care home at least once during each 12–month period that an initial or continuing registration is in effect to determine whether safe and appropriate child care is being provided;

(9) procedures to be followed by the Department in response to a complaint about a family child care home or large family child care home;

(10) a requirement that a person who advertises a family child care home, large family child care home, or family child care service shall:

(i) indicate in the advertisement that the family child care home or large family child care home is registered; and

(ii) display in the advertisement the registration number issued to the family child care home, large family child care home, or family child care service by the Department;

(11) a requirement that each registered child care provider shall hold a current certificate indicating successful completion of approved:

(i) basic first aid training through the American Red Cross or through a program with equivalent standards; and

(ii) cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the family child care

home or large family child care home; and

(12) (i) a requirement that a family child care home or large family child care home that receives notice of a contaminated drinking water supply from the family child care home's or large family child care home's supplier of water, in accordance with § 9–410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending the family child care home or large family child care home; and

(ii) a requirement that the notice sent by the family child care home or large family child care home shall:

1. be sent within 10 business days after receipt of the notice of contamination from the family child care home's or large family child care home's water supplier;

2. be in writing;

3. identify the contaminants and their levels in the family child care home's or large family child care home's water supply; and

4. describe the family child care home's or large family child care home's plan for dealing with the water contamination problem until the family child care home's or large family child care home's water is determined by the appropriate authority to be safe for consumption.

(d) The Department shall adopt regulations that:

(1) require a family child care provider to have a written emergency preparedness plan for emergency situations that require evacuation, sheltering in place, or other protection of children such as in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the family child care home or large family child care home;

(2) require the plan under item (1) of this subsection to include:

(i) a designated relocation site and evacuation route;

(ii) procedures for notifying parents or other adults responsible for the child of the relocation;

(iii) procedures to address the needs of individual children including children with special needs;

(iv) procedures for the reassignment of staff duties during an emergency, as appropriate; and

(v) procedures for communicating with local emergency

management officials or other appropriate State or local authorities; and

(3) require a family child care provider to train staff and ensure that staff are familiar with the plan.

§5–552.

(a) Except as otherwise provided in this section, a family child care home or large family child care home may not operate unless it is registered.

(b) A family child care home is not required to be registered if the child care provider:

(1) is related to each child by blood or marriage;

(2) is a friend of each child's parents or legal guardian and the care is provided on an occasional basis; or

(3) has received the care of the child from a child placement agency licensed by the Department of Human Resources or by a local department of social services.

(c) A person may not advertise a family child care home, large family child care home, or family child care service unless the family child care home or large family child care home is registered under the provisions of this Part V of this subtitle.

(d) An employee of the Department charged with the investigation and enforcement of child care regulations may serve a civil citation to a person found in violation of this section.

§5–553.

(a) For purposes of this Part V of this subtitle, a child care provider's own children under the age of 2 years shall be counted as children served.

(b) (1) In a family child care home:

(i) there may not be more than:

1. 8 children in care at any given time; and

2. 4 children under the age of 2 years; and

(ii) there shall be an adult to child ratio of at least 1 adult to every 2 children under the age of 2 years.

(2) In a large family child care home:

(i) there may not be more than 12 children in care at any given time;

and

(ii) there shall be a limit on the number of children under the age of 2 years and an adult to child ratio that comply with regulations adopted by the Department under § 5–551 of this Part V of this subtitle.

(c) If the Department determines that the group size provisions of subsection (b) of this section are unsuitable for a particular family child care home or large family child care home, the Department may decrease the number of children permitted to be in care at that family child care home or large family child care home.

§5–554.

(a) A registration under this Part V of this subtitle may be revoked, a child care provider may appeal from the revocation, and the operation of an unregistered family child care home may be enjoined.

(b) (1) Revocation, appeal, or injunction under this Part V of this subtitle shall be in accordance with §§ 5–513, 5–515, 5–516, 5–517, 5–518, and 5–519 of this subtitle.

(2) Subject to paragraph (1) of this subsection, the State Superintendent or the State Superintendent's designee shall exercise the authority granted to the Department.

§5–554.1.

(a) The State Superintendent or other authorized official or employee of the Department may apply to a judge of the District Court or a circuit court for an administrative search warrant to enter any unregistered family child care home to conduct any inspection required or authorized by law to determine compliance with the provisions of this subtitle relating to family child care homes.

(b) (1) The application for an administrative search warrant shall be in writing and signed and sworn by the State Superintendent and shall particularly describe the place, structure, premises, or records to be inspected and the nature, scope, and purpose of the inspection to be conducted.

(2) Before the filing of an administrative search warrant application with a court, the application shall be approved by the Attorney General of Maryland as to its legality in both form and substance under the standards and criteria of this section and a statement to this effect shall be included as part of the application.

(c) A judge of a District Court or circuit court in the jurisdiction in which the unregistered family child care home is located may issue an administrative search warrant on finding that:

(1) the Department has reasonably sought and been denied access to an unregistered family child care home for the purpose of making an inspection;

(2) the requirements of subsection (b) of this section are met;

(3) the official or employee of the Department is authorized or required by law to make an inspection of the unregistered family child care home for which the warrant is sought; and

(4) the Department has shown probable cause for the issuance of the warrant by specific evidence:

(i) of an existing violation of § 5–552 of this subtitle; and

(ii) that the health, safety, and welfare of the children in the unregistered family child care home are substantially threatened due to conditions in the unregistered family child care home.

(d) The administrative search warrant issued under this section shall specify the place, structure, premises, or records to be inspected and shall be enforceable during operating hours for a period not exceeding 15 days from the date of issuance.

(e) (1) An administrative search warrant issued under this section authorizes the State Superintendent and other officials or employees of the State Department of Education or the Department of Human Resources to enter the specified property to perform the inspection and other functions authorized by law to determine compliance with the provisions of this subtitle relating to family child care homes and large family child care homes.

(2) The inspection may not exceed the limits specified in the warrant.

§5–555.

(a) The Department shall prepare and, as needed, update an informational pamphlet for parents of children in family child care.

(b) The pamphlet shall contain:

(1) an outline of family child care regulations;

(2) a description of parental rights and responsibilities;

(3) a description of complaint procedures; and

(4) the address and telephone number of the local department.

(c) The Department shall make the pamphlet available to child care providers for distribution to parents.

§5–556.

(a) In addition to any other provision of law relating to child abuse and neglect,

a local department that receives a report of suspected child abuse under § 5–704 or § 5–705 of this title that concerns a family child care home or large family child care home shall notify the State Superintendent's designee within 48 hours.

(b) Upon receipt of the notification required under subsection (a) of this section, the State Superintendent's designee shall convene, either in person or by telephone, a multidisciplinary team to coordinate procedures in accordance with the agreement developed under § 5–706(f) of this title to be followed in investigating and otherwise responding to the report.

(c) The multidisciplinary team shall be chaired by the State Superintendent's designee and shall include:

(1) representatives of the local department and law enforcement agency that are investigating the report under § 5–706 of this title;

(2) representation from the office of the local State's Attorney; and

(3) appropriate medical, including mental health, expertise.

(d) Notwithstanding any other provision of law, the members of the multidisciplinary team shall share information necessary to carry out the team's responsibility under this section.

(e) Any information shared by the multidisciplinary team shall be confidential and may be disclosed only in accordance with the provisions of §§ 1–201, 1–202, 1–204, and 1–205 of the Human Services Article.

(f) Upon request, the Department of State Police shall provide technical assistance to a local law enforcement agency which is investigating a report of suspected child abuse concerning a family child care home or large family child care home.

§5–556.1.

Within 30 days after a child under the age of 6 years enters care in a family child care home or large family child care home, a parent or guardian of the child shall provide to the family child care home or large family child care home evidence of an appropriate screening for lead poisoning. This evidence may include documentation from the child's continuing care health care provider that the child was screened through an initial questionnaire and was determined not to be at risk for lead poisoning.

§5–557.

A person who violates § 5-552 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

(1) a fine not exceeding $1,500 for the first violation; and

(2) a fine not exceeding $2,500 for a second or subsequent violation.

§5–557.1.

(a) Except as provided in subsection (b) of this section and subject to the provisions of subsection (d) of this section, a person who violates any provision of this Part V of this subtitle or any rule or regulation adopted under this Part V of this subtitle is subject to a civil penalty imposed in a civil action not exceeding $1,000 for each violation.

(b) (1) A person who violates § 5-552 of this subtitle and is served a civil citation under that section is subject to a civil penalty as follows:

(i) $250 for the first violation;

(ii) $500 for the second violation; and

(iii) $1,000 for the third and each subsequent violation.

(2) Any money collected under this subsection shall be deposited into the General Fund of the State.

(3) Any person served with a citation under this subsection may appeal the citation to the Office of Administrative Hearings in accordance with § 10-205 of the State Government Article.

(c) Each day a violation occurs is a separate violation under this section.

(d) The total amount of civil penalties imposed in an action under this section may not exceed $5,000.

§5–558.

This Part V of this subtitle may not be construed to impair or limit the authority granted to the Department of Human Resources, the State Department of Education, or the Department of Health and Mental Hygiene under any other provision of the Code unless that provision necessarily is inconsistent with this Part V of this subtitle.

§5–559.1.

(a) There is a Family Child Care Provider Direct Grant Fund administered by the Department.

(b) To administer grants to family child care providers, the Department may contract with State agencies and nonprofit organizations.

§5–559.2.

(a) The State Superintendent may delegate the authority to approve direct grants to any board that exists or may be created within the Department.

(b) A grant made under this subtitle shall be awarded as a reimbursement for the expenses incurred by a family child care provider to comply with State and local regulations.

§5–559.3.

(a) The funds shall consist of:

(1) moneys specifically appropriated for the Direct Grant Fund; or

(2) any other moneys made available to the Direct Grant Fund.

(b) The Direct Grant Fund shall be used to:

(1) pay all expenses and disbursements authorized by the Department for administering the Direct Grant Fund; and

(2) make grants to family child care providers.

(c) In making grants under this subtitle, consideration shall be given to:

(1) geographic distribution;

(2) community need; and

(3) family income, with priority given to those families with the lowest income.

(d) The amount of State general funds expended for grants to family child care providers from the Direct Grant Fund may not exceed $50,000 in each year.

§5–559.4.

(a) The Department may make a grant to an applicant only if:

(1) the applicant meets the qualifications required by this subtitle; and

(2) the grant does not exceed $500.

(b) An applicant may receive only one grant.

§5–559.5.

(a) To apply for financial assistance, an applicant shall submit to the

Department an application on the form that the Department requires.

(b) The application shall include:

(1) the identity and location of the family child care provider;

(2) an itemization of known and estimated costs;

(3) the total amount of funds required by the family child care provider to comply with State and local regulations;

(4) the funds available to the applicant without financial assistance from the Department;

(5) the amount of financial assistance sought from the Department;

(6) a statement from the family child care provider on how the grant funds will be used;

(7) information that relates to the family income of the grant applicant; and

(8) any other relevant information that the Department requests.

§5–559.6.

(a) Except as otherwise provided in this subtitle, the Department may set the terms and conditions for direct grants.

(b) On an annual basis, the Department shall establish priorities for the types of child care to be provided by recipients of direct grants.

§5–559.7.

(a) A person may not knowingly make or cause any false statement or report to be made in any application or in any document furnished to the Department.

(b) A person may not knowingly make or cause any false statement or report to be made for the purpose of influencing the action of the Department on an application for financial assistance or for the purpose of influencing any action of the Department affecting financial assistance whether or not such assistance may have already been extended.

(c) Any person or any aider or abettor who violates any provision of this subtitle is guilty of a misdemeanor, and on conviction is subject to a fine not exceeding $1,000 or imprisonment in the penitentiary not exceeding 1 year or both.

§5–559.8.

The Department shall promulgate such rules as are necessary to carry out the purposes of this subtitle.

§5–560.

(a) In this Part VI of this subtitle the following words have the meanings indicated.

(b) "Conviction" means a plea or verdict of guilty or a plea of nolo contendere.

(c) "Department" means the Department of Public Safety and Correctional Services.

(d) (1) "Employee" means a person that for compensation is employed to work in a facility identified in § 5–561 of this subtitle and who:

(i) cares for or supervises children in the facility; or

(ii) has access to children who are cared for or supervised in the facility.

(2) "Employee" includes a person who:

(i) participates in a pool described in subsection (e)(2) of this section;

(ii) for compensation will be employed on a substitute or temporary basis to work in a facility identified in § 5–561(b)(1) or (2) of this subtitle; and

(iii) will care for or supervise children in the facility or will have access to children who are cared for or supervised in the facility.

(3) "Employee" does not include any person employed to work for compensation by the Department of Juvenile Services.

(e) (1) "Employer" means an owner, operator, proprietor, or manager of a facility identified in § 5–561 of this subtitle who has frequent contact with children who are cared for or supervised in the facility.

(2) For purposes of §§ 5–561(g), 5–564(a)(2)(i) and (c)(1)(i) and (2), and 5–567 of this subtitle, "employer" includes a child care resource and referral center, an association of registered family child care providers, and an association of licensed child care centers to the extent that the center or association establishes and maintains a pool of individuals who are qualified to work as substitute or temporary employees in a facility identified in § 5–561(b)(1) or (2) of this subtitle.

(3) "Employer" does not include a State or local agency responsible for the temporary or permanent placement of children in a facility identified in § 5–561 of this

subtitle.

(f) "Private entity" means a nongovernmental agency, organization, or employer.

(g) "Secretary" means the Secretary of Public Safety and Correctional Services.

§5–561.

(a) Notwithstanding any provision of law to the contrary, an employee and employer in a facility identified in subsection (b) of this section and individuals identified in subsection (c) of this section shall apply for a national and State criminal history records check at any designated law enforcement office in this State or other location approved by the Department.

(b) The following facilities shall require employees and employers to obtain a criminal history records check under this Part VI of this subtitle:

(1) a child care center required to be licensed under Part VII of this subtitle;

(2) a family child care home or large family child care home required to be registered under Part V of this subtitle;

(3) a child care home required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(4) a child care institution required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(5) a juvenile detention, correction, or treatment facility provided for in Title 9 of the Human Services Article;

(6) a public school as defined in Title 1 of the Education Article;

(7) a private or nonpublic school required to report annually to the State Board of Education under Title 2 of the Education Article;

(8) a foster care family home or group facility as defined under this subtitle;

(9) a recreation center or recreation program operated by the State, a local government, or a private entity primarily serving minors;

(10) a day or residential camp, as defined in Title 10, Subtitle 16 of the Code of Maryland Regulations, primarily serving minors; or

(11) a home health agency or residential service agency licensed by the Department of Health and Mental Hygiene and authorized under Title 19 of the Health

– General Article to provide home– or community–based health services for minors.

(c) The following individuals shall obtain a criminal history records check under this Part VI of this subtitle:

(1) an individual who is seeking to adopt a child through a child placement agency;

(2) an individual who is seeking to become a guardian through a local department;

(3) an individual whom the juvenile court appoints as a guardian of a child;

(4) an adult relative with whom a child, committed to a local department, is placed by the local department;

(5) any adult known by a local department or the State Department of Education to be residing in:

(i) a family child care home or large family child care home required to be registered under this title;

(ii) a home where informal child care, as defined in child care subsidy regulations adopted under Title 13A of the Code of Maryland Regulations, is being provided or will be provided to a child who does not reside there;

(iii) a home of an adult relative of a child with whom the child, committed to a local department, is placed by the local department;

(iv) a foster care home or child care home required to be approved under this title;

(v) a home of an individual seeking to adopt a child through a child placement agency; or

(vi) a home of an individual seeking to become a guardian through a local department;

(6) an individual who agrees to provide, or to continue providing, informal child care, as defined in child care subsidy regulations, adopted under Title 13A of the Code of Maryland Regulations; and

(7) if requested by a local department:

(i) a parent or guardian of a child who is committed to the local department and is or has been placed in an out–of–home placement within the past year; and

(ii) any adult known by the local department to be residing in the

home of the parent or guardian.

(d) An employer at a facility under subsection (b) of this section may require a volunteer at the facility to obtain a criminal history records check under this Part VI of this subtitle.

(e) A local department may require a volunteer of that department who works with children to obtain a criminal history records check under this Part VI of this subtitle.

(f) An employer at a facility not identified in subsection (b) of this section who employs individuals to work with children may require employees, including volunteers, to obtain a criminal history records check under this Part VI of this subtitle.

(g) An employer, as defined in § 5–560(e)(2) of this subtitle, shall require an employee, as defined in § 5–560(d)(2) of this subtitle, to obtain a criminal history records check under this Part VI of this subtitle.

(h) (1) Except as provided in paragraph (2) of this subsection, a person who is required to have a criminal history records check under this Part VI of this subtitle shall pay for:

(i) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check;

(ii) reasonable administrative costs to the Department, not to exceed 10% of the processing fee; and

(iii) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records.

(2) A volunteer under subsection (d), (e), or (f) of this section who volunteers for a program that is registered with the Maryland Mentoring Partnership is not required to pay for costs or fees under paragraph (1)(ii) and (iii) of this subsection.

(i) (1) An employer or other party may pay for the costs borne by the employee or other individual under subsection (h) of this section.

(2) The local department shall reimburse:

(i) an adult residing in a foster care home for the costs borne by the individual under subsection (h) of this section; and

(ii) an individual described in subsection (c)(7)(ii) of this section for the costs borne by the individual under subsection (h) of this section.

§5–562.

(a) (1) On or before the 1st day of actual employment, an employee shall apply to the Department for a printed statement.

(2) On or before the 1st day of actual operation of a facility identified in § 5–561 of this subtitle, an employer shall apply to the Department for a printed statement.

(3) (i) Before an individual may be approved to provide or to continue providing informal child care, as defined in child care subsidy regulations adopted under Title 13A of the Code of Maryland Regulations, the individual shall apply to the Department for a printed statement.

(ii) An individual who was approved before January 1, 2014, to provide informal child care and who intends to continue providing informal child care on or after that date has until June 30, 2014, to apply to the Department for a printed statement.

(4) Within 5 days after a local department places a child who is committed to the local department with an adult relative, an individual identified in § 5–561(c) or (e) of this subtitle shall apply to the Department for a printed statement.

(b) As part of the application for a criminal history records check, the employee, employer, and individual identified in § 5–561(c), (d), (e), or (f) of this subtitle shall submit:

(1) except as provided in subsection (c) of this section, a complete set of legible fingerprints at any designated State or local law enforcement office in the State or other location approved by the Department;

(2) the disclosure statement required under § 5–563 of this subtitle; and

(3) payment for the costs of the criminal history records check.

(c) The requirement that a complete set of legible fingerprints be submitted as part of the application for a criminal history records check may be waived by the Department if:

(1) the application is submitted by a person who has attempted to have a complete set of fingerprints taken on at least 2 occasions;

(2) the taking of a complete set of legible fingerprints is not possible because of a physical or medical condition of the person's fingers or hands;

(3) the person submits documentation satisfactory to the Department of the requirements of this subsection; and

(4) the person submits the other information required for a criminal history records check.

§5–563.

As part of the application process for a criminal history records check, the employee, employer, and individual identified in § 5–561(c), (d), (e), or (f) of this subtitle shall complete and sign a sworn statement or affirmation disclosing the existence of a criminal conviction, probation before judgment disposition, not criminally responsible disposition, or pending criminal charges without a final disposition.

§5–564.

(a) (1) (i) The Department shall conduct the criminal history records check and issue the printed statement provided for under this Part VI of this subtitle.

(ii) It shall update an initial criminal history records check for an employee, employer, or individual identified in § 5–561(c), (d), (e), or (f) of this subtitle and issue a revised printed statement in accordance with federal law and regulations on dissemination of FBI identification records.

(2) The Department shall adopt regulations requiring:

(i) employers to verify periodically the continuing employment of an employee and the continuing assignment of a volunteer;

(ii) State or local agencies that license, register, approve, or certify any of the facilities identified in § 5–561(b) of this subtitle to verify periodically the continuing licensure, registration, approval, or certification of a facility or the continuing assignment of individuals identified in § 5–561(e) of this subtitle; and

(iii) child placement agencies that place a child as described in § 5–561(c) of this subtitle to verify periodically the continuing participation or presence of individuals identified in § 5–561(c) of this subtitle.

(3) The employee, employer, volunteer, or other individual identified in § 5–561 of this subtitle is not responsible for payment of any fee to update criminal history records checks.

(b) (1) The Department shall provide an initial and a revised statement of the applicant's State criminal record to:

(i) the recipients of the printed statement specified in subsection (c) of this section; and

(ii) the State Department of Education if the applicant is:

1. an employee of, or an adult resident in, a child care center that is required to be licensed or to hold a letter of compliance under Part VII of this subtitle;

2. an employee of, or an adult resident in, a family child care home or large family child care home that is required to be registered under Part V of this subtitle; or

3. an individual who provides or agrees to provide informal child care or an adult who resides in a home where informal child care is being provided or will be provided to a child who does not reside there.

(2) The Department shall distribute the printed statement in accordance with federal law and regulations on dissemination of FBI identification records.

(c) (1) Upon completion of the criminal history records check of an employee, the Department shall submit the printed statement to:

(i) the employee's current or prospective employer at the facility or program;

(ii) the employee; and

(iii) for an employee of a child care center that is required to be licensed or to hold a letter of compliance under Part VII of this subtitle or an employee of a family child care home that is required to be registered under Part V of this subtitle, the State Department of Education.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, upon receiving a written request from an employee, the Department shall submit the printed statement to additional employers, if the criminal history records check was completed during the prior 180 days.

(ii) Upon receiving a written request from a student teacher employed under § 6–107 of the Education Article, the Department shall submit the printed statement to additional employers if the criminal history records check was completed during the prior 365 days.

(3) Upon completion of the criminal history records check of an employer, the Department shall submit the printed statement to:

(i) the appropriate State or local agency responsible for the licensure, registration, approval, or certification of the employer's facility; and

(ii) the employer.

(4) Upon completion of the criminal history records check of an individual identified in § 5–561(c), (d), (e), or (f) of this subtitle, the Department shall submit the

printed statement to the appropriate child placement or registering agency.

(5) A printed statement issued under this section is valid in any county in the State.

(d) Information obtained from the Department under this Part VI of this subtitle shall be confidential and may be disseminated only to the individual who is the subject of the criminal history records check and to the participants in the hiring or approval process.

(e) Information obtained from the Department under this Part VI of this subtitle may not:

(1) be used for any purpose other than that for which it was disseminated; or

(2) be redisseminated.

(f) Information obtained from the Department under this Part VI of this subtitle shall be maintained in a manner to insure the security of the information.

§5–564.1.

The State Department of Education shall conduct a cross–reference check, including cross–referencing the individual and the individual's address, with the central registry of registrants transmitted weekly by the Department under § 11–713 of the Criminal Procedure Article, of:

(1) an employee, employer, or individual identified in § 5–561(b)(1), (b)(2), or (c)(5)(i) of this subtitle; and

(2) an individual who provides or agrees to provide informal child care, as defined in child care subsidy regulations adopted under Title 13A of the Code of Maryland Regulations.

§5–565.

An individual may contest the finding of a criminal conviction, a probation before judgment disposition, a not criminally responsible disposition, or pending charge reported in a printed statement in accordance with §§ 10–223 through 10–228 of the Criminal Procedure Article.

§5–566.

(a) An individual who fails to disclose a conviction, a probation before judgment disposition, a not criminally responsible disposition, or the existence of pending charges for a criminal offense or attempted criminal offense as required under § 5-563 of this subtitle shall be guilty of perjury and upon conviction is subject to the penalty provided

by law.

(b) Unless otherwise provided, a person who violates any provision of this Part VI of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.

§5–567.

The following governmental units or persons shall have the immunity from civil or criminal liability described under § 5-619 of the Courts Article in connection with a criminal history records check under this Part VI of this subtitle:

(1) an employer; and

(2) a State or local agency, including a local department.

§5–568.

On or before August 15, 1986, the Secretary shall:

(1) provide for the adoption of a specified form or forms to be used in applying for the criminal history records check to be issued by the Department, including an appropriate disclosure statement;

(2) designate the appropriate State or local law enforcement offices in the State, or other approved locations, where fingerprints may be obtained and application for a criminal history records check may be made; and

(3) adopt rules and regulations necessary and reasonable to administer this Part VI of this subtitle.

§5–569.

(a) In this section, "emergency out–of–home placement" means an out–of–home placement in which a local department places a child in the home of a private individual, including a neighbor, friend, or relative, as a result of a sudden unavailability of the child's primary caretaker.

(b) (1) If a child is placed in an emergency out–of–home placement, a local department may request that a designated State or local law enforcement agency in the State or other location approved by the Department perform a federal name–based check on any individual described in § 5–561(c)(4), (5)(iii), and (7)(ii) of this subtitle.

(2) The designated agency described in paragraph (1) of this subsection may provide the results of the name–based check to the local department.

(3) Within 15 calendar days after the local department receives the results of the name–based check, the local department shall submit a complete set of

fingerprints to the Department for each individual described in paragraph (1) of this subsection on whom a name–based check was performed.

(4) Within 15 calendar days after the date on which the name–based check was performed, the Department shall perform a criminal history records check, in accordance with § 5–564 of this subtitle.

(c) A child shall be removed immediately from an emergency out–of–home placement if any individual required to submit to a name–based check fails to comply with this section.

(d) When the placement of a child in a home is denied as a result of a name–based criminal history records check of an individual and the individual contests that denial, the individual shall submit to the local department:

(1) a complete set of fingerprints; and

(2) written permission allowing the local department to forward the fingerprints to the Department for submission to the Federal Bureau of Investigation.

(e) An individual who is required to submit to a criminal history records check under this section shall pay the fees required under § 5–561(h) of this subtitle.

§5–570.

(a) In this Part VII of this subtitle the following words have the meanings indicated.

(b) "Child" means an individual under the age of 16 years.

(c) (1) "Child care center" means an agency, institution, or establishment that, for part or all of a day, or on a 24–hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage except as otherwise provided for in law or regulation.

(2) "Child care center" shall include a nonpublic nursery school in which an instructional program is offered or provided for children who are under the age of 5 years.

(3) "Child care center" does not include:

(i) a nonpublic kindergarten in which an instructional program is offered or provided for children who are at least 5 years old;

(ii) a nonpublic elementary school in which an instructional program is offered or provided for children who are in grades 1 through 8;

(iii) a child care home, a child care institution, or other child care

facility that offers or provides a residential placement for a child and is established, licensed, or registered under this subtitle, Title 9 of the Human Services Article, or Title 10 of the Health – General Article; or

(iv) a family child care home or large family child care home that is required to be registered or is registered under this subtitle.

(d) "Department" means the State Department of Education.

(e) "Letter of compliance" means a letter issued by the State Department of Education to a religious organization that meets the requirements under § 5–573 of this subtitle.

(f) "License" means a license issued by the State Department of Education to operate a child care center.

(g) "Person" includes a State, county, or municipal corporation.

(h) "State Superintendent" means the State Superintendent of Schools or the State Superintendent's designee.

§5–571.

(a) (1) The General Assembly finds that:

(i) a child is not capable of self-protection; and

(ii) if care of a child is given over to another, mental and physical risks arise that need to be offset by reasonable protective measures.

(2) The General Assembly also finds that:

(i) there is a shortage of child care placements for children under the age of 2 years; and

(ii) the rules and regulations adopted under this subtitle should provide for small child care centers that provide care in a homelike environment.

(b) The purpose of this subtitle is not to limit a parent in getting the help of responsible relatives or friends in giving child care for a child, but is to aid each parent and protect each child from the risk present if:

(1) the child is cared for by an individual other than a relative or friend; and

(2) children of more than one family are cared for together or, on different days, use the same facilities.

§5–572.

(a) This Part VII of this subtitle does not supersede:

(1) any right or power of the Department of Health and Mental Hygiene or any local health officer;

(2) any right or power of a county department of education;

(3) any building code or zoning provision;

(4) any right or power of the Administration within the Department of Human Resources or any local department; or

(5) any right or power of the Department of Human Resources to regulate residential child care facilities.

(b) Notwithstanding any other provision of law, if a child care center for school age children is operated before and after school hours in a building which is in use as a public or private school, the school age child care center:

(1) shall meet local fire, health, and zoning codes required of school buildings; and

(2) may not be required to meet any additional regulations relative to the physical plant beyond those imposed by the county or the local board of education with respect to that building.

§5–573.

(a) The State Superintendent shall adopt rules and regulations for licensing and operating child care centers.

(b) These rules and regulations shall:

(1) ensure safe and sanitary conditions in child care centers;

(2) ensure proper care, protection, and supervision of children in child care centers;

(3) ensure the health of children in child care centers by:

(i) monitoring children for signs and symptoms of child abuse;

(ii) instructing licensees and staff concerning child abuse detection and reporting;

(iii) monitoring health practices to help prevent the spread of disease; and

(iv) monitoring the care of infants and children with special needs;

(4) promote the sound growth and development of children in child care centers;

(5) promote proper nutrition and developmentally appropriate practices by:

(i) establishing training and policies promoting breast–feeding;

(ii) 1. requiring compliance with the United States Food and Drug Administration Child and Adult Care Food Program standards for beverages served to children, except that milk that is not nonfat or low fat may be ordered by a health care practitioner or requested by a parent or guardian; and

2. prohibiting beverages other than infant formula that contain added sweetener or caffeine; and

(iii) setting limits on screen time;

(6) carry out otherwise the purposes and requirements of this Part VII of this subtitle, including imposition of intermediate sanctions to ensure compliance;

(7) prohibit a child from remaining at a child care center for more than 14 hours in 1 day unless the Department issues an exception for that child based on guidelines set by the State Superintendent;

(8) (i) require that a child care center have in attendance at all times at least 1 individual who is responsible for supervision of children, including children on field trips, and who holds a current certificate indicating successful completion of approved:

1. basic first aid training through the American Red Cross or through a program with equivalent standards; and

2. cardiopulmonary resuscitation (CPR) training through the American Heart Association or through a program with equivalent standards appropriate for the ages of children for whom care is provided in the child care center; and

(ii) require that a child care center serving more than 20 children have in attendance certificate holders described in item (i) of this item in a ratio of at least 1 certificate holder for every 20 children;

(9) (i) require that a child care center that receives notice of a contaminated drinking water supply from the child care center's supplier of water, in accordance with § 9–410 of the Environment Article or otherwise, send notice of the drinking water contamination to the parent or legal guardian of each child attending

the child care center; and

(ii) require that the notice sent by the child care center shall:

1. be sent within 10 business days after receipt of the notice of contamination from the child care center's water supplier;

2. be in writing;

3. identify the contaminants and their levels in the center's water supply; and

4. describe the child care center's plan for dealing with the water contamination problem until the child care center's water is determined by the appropriate authority to be safe for consumption;

(10) (i) require a child care center to have a written emergency preparedness plan for emergency situations that require evacuation, sheltering in place, or other protection of children, such as in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the child care center;

(ii) require the plan under item (i) of this item to include:

1. a designated relocation site and evacuation route;

2. procedures for notifying parents or other adults responsible for the child of the relocation;

3. procedures to address the needs of individual children, including children with special needs;

4. procedures for the reassignment of staff duties during an emergency, as appropriate; and

5. procedures for communicating with local emergency management officials or other appropriate State or local authorities; and

(iii) require a child care center to train staff and ensure that staff are familiar with the plan; and

(11) require a child care center to have window coverings in accordance with § 5–505 of this subtitle.

§5–574.

(a) Except as otherwise provided in this Part VII of this subtitle, a person shall be licensed by the Department before the person may operate a child care center in this State.

(b) This section does not apply to:

(1) the instructional program, curriculum, or teacher, principal, or administrator qualifications of a nursery school or a child care center that is operated by a religious organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code in a school building exclusively for children who are enrolled in that school;

(2) a nonpublic nursery school operated by a tax–exempt religious organization that has been issued a certificate of approval by the State Department of Education;

(3) a nonpublic nursery school operated by a tax–exempt religious organization that:

(i) complies with the regulations adopted under this subtitle; and

(ii) has been issued a letter of compliance by the Department; or

(4) a program that is operated by a tax–exempt religious organization while the organization is conducting a religious service, business meeting, or other religious organization function in the organization's building and which program is exclusively for children where parents are attending the service or meeting.

(c) Notwithstanding any other provision of law, if a child care center for school age children is operated before and after school hours in a building which is in use as a public or private school, the school age child care center:

(1) shall meet local fire, health, and zoning codes required of school buildings; and

(2) may not be required to meet any additional regulations relative to the physical plant beyond those imposed by the county or the local board of education with respect to that building.

(d) Notwithstanding the exemption under subsection (b)(4) of this section, a program that is operated by a tax–exempt religious organization while the organization is conducting a religious service, business meeting, or other religious organization function in the organization's building and which program is exclusively for children where parents are attending the service or meeting shall:

(1) comply with all applicable State and local fire, building, and zoning laws; and

(2) prior to the utilization of the program's facility, be inspected by the State Fire Marshal, or local fire authority having jurisdiction, to ensure that the facility is in compliance with all applicable fire safety regulations.

§5–575.

(a) An applicant for a license shall submit an application to the Department on the form that the State Superintendent requires.

(b) An application for a license shall contain:

(1) the name of the applicant;

(2) the proposed location of the child care center;

(3) the name of the individual to be in charge of the child care center; and

(4) any other information that the Department requires.

§5–576.

The Department shall issue a license to any applicant who meets the requirements of this Part VII of this subtitle and of the rules and regulations adopted under it.

§5–577.

(a) (1) A license authorizes the licensee to operate a child care center while the license is effective.

(2) A license authorizes the licensee to operate a child care center that offers or provides child care regardless of the time of day.

(b) Unless the Department first approves the change, a licensee may not make any substantial addition to or other change in a building or plant of the child care center or a change in its facilities that could affect materially any condition under which the license was issued.

§5–578.

(a) Each initial license and letter of compliance expires on the second anniversary of its effective date.

(b) Prior to expiration of an initial license or letter of compliance, and on application by the licensee or letter of compliance holder that meets the requirements set by the Department, a continuing license or letter of compliance may be issued that remains in effect until surrendered, suspended, revoked, or replaced by a conditional license or letter of compliance.

(c) The Department shall inspect each child care center operating under a license or a letter of compliance:

(1) on an announced basis prior to issuing the initial or continuing license

or letter of compliance to determine whether applicable requirements are being met; and

(2) on an unannounced basis at least once during each 12–month period that the license or letter of compliance is in effect to determine whether safe and appropriate child care is being provided.

§5–579.

A license issued under this Part VII of this subtitle is not transferable.

§5–580.

(a) Subject to the hearing requirements of this section, the Department may deny a license or letter of compliance to any applicant or deny approval for a change under § 5–577 of this subtitle if the applicant or proposed change does not meet the requirements of this subtitle.

(b) Subject to the hearing requirements of this section and § 5–581 of this subtitle, the State Superintendent may suspend or revoke a license or letter of compliance if the licensee:

(1) violates a provision of this Part VII of this subtitle or any rule or regulation adopted under it; or

(2) does not meet the current requirements for a new license or letter of compliance.

(c) (1) Except as otherwise provided in subsection (d) of this section, before any action is taken under this section, the State Superintendent shall give the individual against whom the action is contemplated an opportunity for a public hearing before the State Superintendent.

(2) The hearing notice to be given to the individual shall be sent at least 10 days before the hearing.

(3) The individual may be represented at the hearing by counsel.

(d) (1) (i) The State Superintendent may suspend the license or letter of compliance to operate a child care center on an emergency basis when the State Superintendent determines that this action is required to protect the health, safety, or welfare of a child in the child care center.

(ii) When the State Superintendent suspends a license or letter of compliance on an emergency basis, the State Superintendent shall deliver written notice of the suspension to the licensee stating the regulatory basis for the suspension.

(2) (i) Upon delivery of the emergency suspension notice, the licensee

or letter holder shall cease immediately operation of the child care center.

(ii) The licensee or letter holder may request a hearing before the State Superintendent.

(3) (i) If a hearing is requested by the licensee or letter holder, the State Superintendent shall hold a hearing within 7 calendar days of the request for a hearing. The hearing shall be held in accordance with the Administrative Procedure Act.

(ii) Within 7 calendar days of the hearing a decision concerning the emergency suspension shall be made by the State Superintendent.

(4) If the emergency suspension order is upheld by the State Superintendent, the licensee or letter holder shall continue to cease operations until it is determined that the health, safety, or welfare of a child in the child care center is no longer threatened.

(5) Any person aggrieved by a decision of the State Superintendent to uphold an emergency suspension may appeal that decision directly to the circuit court in the county in which the child care center is located.

(e) The State Superintendent may petition the circuit court in the county in which the child care center is located to enjoin the activities and operations of a person who operates a child care center without a license or letter of compliance as required by this Part VII, including when a license or letter of compliance has been denied, revoked, or suspended in accordance with this Part VII.

§5–580.1.

(a) The State Superintendent or other authorized official or employee of the Department may apply to a judge of the District Court or a circuit court for an administrative search warrant to enter any unlicensed child care center to conduct any inspection required or authorized by law to determine compliance with the provisions of this subtitle relating to child care centers.

(b) (1) The application for an administrative search warrant shall be in writing and signed and sworn by the State Superintendent and shall particularly describe the place, structure, premises, or records to be inspected and the nature, scope, and purpose of the inspection to be conducted.

(2) Before the filing of an administrative search warrant application with a court, the application shall be approved by the Attorney General of Maryland as to its legality in both form and substance under the standards and criteria of this section and a statement to this effect shall be included as part of the application.

(c) A judge of a District Court or circuit court in the jurisdiction in which the unlicensed child care center is located may issue an administrative search warrant on finding that:

(1) the Department has reasonably sought and been denied access to an unlicensed child care center for the purpose of making an inspection;

(2) the requirements of subsection (b) of this section are met;

(3) the official or employee of the Department is authorized or required by law to make an inspection of the unlicensed child care center for which the warrant is sought; and

(4) the Department has shown probable cause for the issuance of the warrant by specific evidence:

(i) of an existing violation of § 5-574(a) or § 5-582 of this subtitle; and

(ii) that the health, safety, and welfare of the children in the child care center are substantially threatened due to conditions in the child care center.

(d) The administrative search warrant issued under this section shall specify the place, structure, premises, or records to be inspected and shall be enforceable during operating hours for a period not exceeding 15 days from the date of issuance.

(e) (1) An administrative search warrant issued under this section authorizes the State Superintendent and other officials or employees of the Department to enter the specified property to perform the inspection and other functions authorized by law to determine compliance with the provisions of this subtitle relating to child care centers.

(2) The inspection may not exceed the limits specified in the warrant.

§5–580.2.

Within 30 days after a child under the age of 6 years enters care in a child care center, a parent or guardian of the child shall provide to the child care center evidence of an appropriate screening for lead poisoning. This evidence may include documentation from the child's continuing care health care provider that the child was screened through an initial questionnaire and was determined not to be at risk for lead poisoning.

§5–580.3.

(a) (1) The requirements of this subsection apply only to an employee hired on or after October 1, 2005.

(2) Each employee, as defined in § 5–560 of this subtitle, of a child care center that is required to be licensed or to hold a letter of compliance under this subtitle shall apply to the Department of Human Resources, on or before the first day of actual employment, for a child abuse and neglect clearance.

(b) The Department may prohibit the operator of a child care center that is required to be licensed or to hold a letter of compliance under this subtitle from employing an individual who:

(1) has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for any crime or attempted crime enumerated in the regulations adopted by the Department of Public Safety and Correctional Services under Part VI of this subtitle; or

(2) has been identified as responsible for child abuse or neglect.

(c) The operator of a child care center that is required to be licensed or to hold a letter of compliance under this subtitle shall immediately notify the Department of a criminal history records check of an employee that reports a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for any crime or attempted crime enumerated in the regulations adopted by the Department of Public Safety and Correctional Services under Part VI of this subtitle.

§5–581.

Any person aggrieved by a final decision of the State Superintendent in a contested case, as defined in the Administrative Procedure Act, may take any further appeal allowed by the Administrative Procedure Act.

§5–582.

Except as otherwise provided in this subtitle, a person may not operate a child care center in this State unless licensed by the Department.

§5–583.

A person who violates § 5-574(a) or § 5-582 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

(1) a fine not exceeding $1,500 for the first violation; and

(2) a fine not exceeding $2,500 for a second or subsequent violation.

§5–583.1.

(a) Subject to the provisions of subsection (c) of this section, a person who violates any provision of this Part VII of this subtitle or any rule or regulation adopted under this Part VII of this subtitle is subject to a civil penalty imposed in a civil action not exceeding $1,000 for each violation.

(b) Each day a violation occurs is a separate violation under this section.

(c) The total amount of civil penalties imposed in an action under this section

may not exceed $5,000.

§5–584.

(a) In addition to any other provision of law relating to child abuse and neglect, a local department that receives a report of suspected child abuse under § 5–704 or § 5–705 of this title that concerns a child care center, shall notify the State Superintendent's designee within 48 hours.

(b) On receipt of the notification required under subsection (a) of this section, the State Superintendent's designee shall convene, either in person or by telephone, a multidisciplinary team to coordinate procedures in accordance with the agreement developed under § 5–706(f) of this title to be followed in investigating and otherwise responding to the report.

(c) The multidisciplinary team shall be chaired by the State Superintendent's designee and shall include:

(1) representatives of the local department and law enforcement agency that are investigating the report under § 5–706 of this title;

(2) representation from the office of the local State's Attorney; and

(3) appropriate medical, including mental health, expertise.

(d) Notwithstanding any other provision of law, the members of the multidisciplinary team shall share information necessary to carry out the team's responsibility under this section.

(e) Any information shared by the multidisciplinary team shall be confidential and may be disclosed only in accordance with the provisions of §§ 1–201, 1–202, 1–204, and 1–205 of the Human Services Article.

(f) On request, the Department of State Police shall provide technical assistance to a local law enforcement agency which is investigating a report of suspected child abuse concerning a child care center.

§5–585.

(a) All restrictions imposed by the laws, ordinances, or regulations of all subordinate jurisdictions within the State of Maryland on the licensure or regulation of child care centers are superseded by this section, and the State of Maryland hereby preempts the rights of these jurisdictions to regulate child care centers.

(b) This section does not apply to any local fire, building, or zoning code required of a child care center.

§5–586.

(a) In this Part VIII of this subtitle the following words have the meanings indicated.

(b) "Department" means the State Department of Education.

(c) "Employee" means a State employee.

(d) "Employee occupant" means a State employee who is assigned or will be assigned to a State-occupied building.

(e) "Occupying agency" means a State agency or department which is or will be located in a State-occupied building.

(f) "State complex" means more than 1 State-occupied building or facility situated either adjacent to or within reasonable proximity to another State-occupied building or facility.

(g) "State-occupied building" means:

(1) an office building acquired through any means by the State for use by a State agency or department; and

(2) an office building constructed by or for the State for occupancy by a State agency or department.

(h) "State Superintendent" means the State Superintendent of Schools.

§5–587.

(a) The Department may establish child care centers for the children of State employees in State-occupied buildings in the manner provided in this section.

(b) Before the State acquires or constructs an office building that accommodates 700 or more employees, the State Department of Education shall:

(1) survey the employees who will be assigned to the building regarding the employees' child care needs;

(2) determine whether child care services for more than 29 children are needed; and

(3) if sufficient need is demonstrated, determine how much space is required and request that the Department of General Services designate the required amount of space within the building or acquire the designated amount of space within a nearby building for a child care center.

(c) The occupying agency shall notify the employee occupants of the availability

of space for a child care center at least 180 days before the projected date of occupancy.

§5–588.

(a) The Department of Health and Mental Hygiene and the Department of General Services shall cooperate with and assist the Department in carrying out the purposes of this Part VIII of this subtitle.

(b) The Department shall:

(1) provide the guidance and means for establishing child care centers for the children of State employees in State-occupied buildings or nearby buildings in accordance with this Part VIII of this subtitle;

(2) provide for licensing of child care centers for children of State employees;

(3) ensure that space designated within a State-occupied building or nearby buildings for a child care center complies with the prevailing local and State safety building codes for child care centers;

(4) apply the regulations adopted under Part VII for child care centers; and

(5) contract for child care services in the space provided. Contract providers must provide proof of financial responsibility.

(c) (1) The Department of General Services shall:

(i) construct or acquire the required space to be used by the child care center, which space shall be submetered for utilities and the costs of which shall be paid by the child care center; and

(ii) inspect the facility monthly and inform child care center personnel of maintenance deficiencies to be corrected by the child care center.

(2) If any deficiencies under paragraph (1)(ii) of this subsection are not corrected within a reasonable time, the Department of General Services shall notify the State Department of Education which will exact compliance in accordance with the terms of the child care center contract.

(3) The child care center shall pay for any costs of operation of the child care center.

(d) Space originally set aside for a child care center may be used for other purposes if:

(1) the building has been fully occupied for 180 days; and

(2) an application to operate a child care center has not been filed under Part VII of this subtitle.

(e) Children of State employees shall have priority over other children in admission to a child care center in a State-occupied building or nearby buildings.

(f) (1) After a child care center for children of State employees has been established, the Department shall assess the child care needs of the State employees using the center at least every 5 years.

(2) If the assessment demonstrates that the service is no longer needed or feasible, the State Superintendent may close the center.

(3) The State Superintendent shall give the child care center 90 days' written notice of closure.

§5–589.

(a) (1) In this section the following words have the meanings indicated.

(2) "Pilot program" means the child care centers established in State-occupied buildings or State complexes under this section.

(b) There is a pilot program for child care in State-occupied buildings and State complexes.

(c) The Department shall administer the pilot program established under this section.

(d) The pilot program shall be:

(1) operated in at least 1 State-occupied building or State complex where 700 or more State employees are located;

(2) established to accommodate at least 29 children at each location; and

(3) established for at least 3 years.

(e) (1) The Department shall contract with child care providers to operate the child care centers established under this section.

(2) The contract for operating a child care center shall require the child care provider:

(i) to be responsible for entering into agreements, and making arrangements with the employees, for the provision of child care;

(ii) to provide proof of financial responsibility;

(iii) to be licensed under Part VII and this Part VIII of this subtitle;

(iv) to comply with any laws or regulations governing child care centers;

(v) to obtain and keep in effect liability insurance in an amount determined to be sufficient by the State Superintendent; and

(vi) to comply with any other requirement the State Superintendent considers reasonable and necessary.

(3) The child care provider may not be held responsible for providing the necessary space for the operation of the child care center.

§5–589.1.

Within 30 days after a child under the age of 6 years enters care in a child care center in a State-occupied building, a parent or guardian of the child shall provide to the child care center evidence of an appropriate screening for lead poisoning. This evidence may include documentation from the child's continuing care health care provider that the child was screened through an initial questionnaire and was determined not to be at risk for lead poisoning.

§5–590.

(a) In this Part IX of this subtitle the following words have the meanings indicated.

(b) "Council" means the Early Childhood Development Advisory Council.

(c) "State Superintendent" means the State Superintendent of Schools.

§5–591.

There is an Early Childhood Development Advisory Council.

§5–592.

(a) (1) The Council consists of at least 25 members, but no more than 30 members.

(2) In appointing members to the Council, the State Superintendent shall, to the extent possible, appoint members representing geographically diverse jurisdictions across the State.

(b) The members shall include:

(1) 1 member of the Senate of Maryland appointed by the President of the Senate;

(2) 1 member of the Maryland House of Delegates appointed by the Speaker of the House;

(3) at least 1 representative, appointed by the Secretary, from:

(i) the Department of Health and Mental Hygiene;

(ii) the Governor's Office for Children;

(iii) the Head Start Program;

(iv) the State Department of Education;

(v) the Office of the State Fire Marshal;

(vi) a local government;

(vii) a child care advocacy organization;

(viii) an independent school, which may include a religious, nonsectarian, or nursery school;

(ix) a child care resource and referral agency;

(x) the Department of the Environment;

(xi) a community college with an early childhood education program;

(xii) the Maryland Association of Social Services Directors; and

(xiii) a professional organization concerned with the quality of early childhood programs;

(4) at least 1 representative, appointed by the State Superintendent, who is:

(i) a local fire official who has responsibility for the enforcement or administration of fire codes;

(ii) a user of child care services; and

(iii) a business person;

(5) a pediatrician with an interest and expertise in child care issues, appointed by the State Superintendent;

(6) at least two family child care providers, appointed by the State Superintendent; and

(7) at least two child care providers from child care centers, appointed by the State Superintendent.

(c) (1) The term of a member is 3 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(4) (i) If a vacancy occurs, the State Superintendent promptly shall appoint a successor who will serve until the term expires.

(ii) The successor may be reappointed for a full term.

(5) Any member who leaves the position with the organization or State agency that the member represents on the Council shall automatically lose their appointment to the Council and the State Superintendent shall promptly appoint a successor.

(d) From among the members of the Council, the State Superintendent shall appoint a chairman.

(e) (1) A majority of the members then serving on the Council is a quorum.

(2) The Council shall meet at least once a year at the time and place it decides.

(3) The Department shall provide staff for the Council.

(f) (1) A member of the Council may not receive compensation for duties performed as a member of the Council.

(2) A member of the Council who is a user of child care services, a family child care provider, or a child care provider from a child care center is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§5–593.

The Council shall:

(1) advise and counsel the Early Childhood Development Division of the Department;

(2) review regulations proposed by State agencies regulating child care to ensure coordination and consistency;

(3) review issues and problems relating to care of children and suggest priorities for consideration by the Early Childhood Development Division; and

(4) identify interdepartmental issues of importance to child care providers and users that should be addressed by the Early Childhood Development Division and other State agencies.

§5–594.

(a) In this part the following words have the meanings indicated.

(b) "Child care center" has the meaning stated in § 5–570 of this subtitle.

(c) "Child care provider" means a family child care provider or a child care center.

(d) "Direct incentive grant" means a grant awarded under the Child Care Quality Incentive Grant Program.

(e) "Family child care provider" has the meaning stated in § 5–550(d) of this subtitle.

§5–594.1.

(a) There is a Child Care Quality Incentive Grant Program administered by the State Department of Education.

(b) To administer direct incentive grants to child care providers, the State Department of Education may contract with other State agencies and nonprofit organizations.

§5–594.2.

(a) The State Superintendent may delegate the authority to approve direct incentive grants to any board that exists or may be created in the State Department of Education.

(b) A direct incentive grant made under this part shall be awarded as an incentive for a child care provider to improve the quality of care being provided to children through the purchase of supplies, materials, and equipment.

§5–594.3.

(a) The grant funds shall consist of:

(1) moneys specifically appropriated for the Child Care Quality Incentive Grant Program; and

(2) any other moneys made available to the Child Care Quality Incentive

Grant Program.

(b) The Child Care Quality Incentive Grant Program shall be used to:

(1) pay all expenses and disbursements authorized by the State Department of Education for administering the Child Care Quality Incentive Grant Program; and

(2) award direct incentive grants to child care providers.

(c) To be eligible to receive grants under this part, a child care provider must:

(1) possess a certificate of registration or license that is current and not subject to any pending regulatory action, including revocation and suspension; and

(2) not be in arrears in the payment of any moneys owed to the State, including the payment of taxes and employee benefits.

(d) Grants made under this part shall be limited to:

(1) child care centers located in Title I communities;

(2) child care centers where at least 25% of the children enrolled receive subsidies through the purchase of child care program; and

(3) family child care homes and large family child care homes that serve children who receive child care subsidies through the purchase of child care program.

§5–594.4.

The State Department of Education may award a direct incentive grant to an applicant only if:

(1) the applicant meets the qualifications required by this subtitle;

(2) the direct incentive grant does not exceed $2,500; and

(3) federal funds are available to cover the cost of the grant.

§5–594.5.

(a) To apply for a direct incentive grant, an applicant shall submit to the State Department of Education an application on the form that the State Department of Education requires.

(b) The application shall include:

(1) the name and address of the child care provider;

(2) an itemization of known and estimated costs including a statement from the child care provider as to how the grant funds will be used;

(3) the total amount of funds required by the provider to purchase supplies, material, and equipment;

(4) the funds available to the applicant to purchase supplies, material, and equipment;

(5) the amount of direct incentive grant funds sought from the State Department of Education;

(6) the number of children that the child care provider serves who receive child care subsidies through the purchase of child care program; and

(7) any other relevant information that the State Department of Education requests.

§5–594.6.

(a) Except as otherwise provided in this part, the State Department of Education may set the terms and conditions for direct incentive grants.

(b) On an annual basis, the State Department of Education may establish priorities for the distribution of direct incentive grants based on the categories of children child care providers serve, including infants, toddlers, and preschool and school-age children.

§5–594.7.

(a) A person may not knowingly make or cause any false statement or report to be made in any application or in any document furnished to the State Department of Education under this part.

(b) A person may not knowingly make or cause any false statement or report to be made for the purpose of influencing the action of the State Department of Education on an application for a direct incentive grant or for the purpose of influencing any action of the State Department of Education affecting a direct incentive grant whether or not such a grant may have already been awarded.

(c) Any person or any aider or abettor who violates any provision of this part is guilty of a misdemeanor, and on conviction is subject to a fine not exceeding $1,000 or imprisonment in the penitentiary not exceeding 1 year or both.

§5–594.8.

The State Superintendent shall adopt regulations necessary to carry out the purposes of this part.

§5–595.

(a) In this Part XI of this subtitle the following words have the meanings indicated.

(b) "Family child care provider" means an individual who participates in the Maryland Child Care Subsidy Program who is:

(1) a registered provider as defined in § 5–550(d) of this subtitle; or

(2) exempt from the registration requirements under § 5–552(b) of this subtitle.

(c) "Provider organization" means an organization that:

(1) includes family child care providers; and

(2) has as one of its purposes the representation of family child care providers in their relations with the State.

§5–595.1.

In according family child care providers and their representatives rights under this Part XI of this subtitle, it is the legislative intent of the General Assembly that the State action exemption to the application of federal and State antitrust laws be fully available to the extent that the activities of the family child care providers and their representatives are authorized under this title.

§5–595.2.

(a) There shall be only one appropriate bargaining unit of family child care providers in the State.

(b) Family child care providers may designate, in accordance with the provisions of this Part XI of this subtitle, which provider organization, if any, shall be the exclusive representative of all family child care providers in the State.

(c) (1) The election and certification of the exclusive representative of family child care providers shall be governed by the procedures set forth in Title 3, Subtitle 4 of the State Personnel and Pensions Article.

(2) All elections shall be conducted by the State Labor Relations Board and subject to the requirements and limitations of Title 3, Subtitle 4 of the State Personnel and Pensions Article.

(3) The State Labor Relations Board may not conduct an election for an exclusive representative if an election or certification of an exclusive representative has taken place within the preceding 2 years.

(4) A provider organization designated as the exclusive representative shall represent all family child care providers in the State fairly and without discrimination, whether or not the family child care providers are members of the provider organization.

§5–595.3.

(a) The State Department of Education shall designate appropriate representatives to participate in collective bargaining with the provider organization certified as the exclusive representative of family child care providers.

(b) Except as otherwise provided in this Part XI of this subtitle, the parties shall adhere to the bargaining process set forth in § 3–501 of the State Personnel and Pensions Article.

(c) The State Department of Education shall negotiate in consultation with the Department of Budget and Management regarding all matters that require appropriation of State funds.

(d) Collective bargaining shall include all matters related to the terms and conditions of participation by family child care providers in the Maryland Child Care Subsidy Program, including:

(1) reimbursement rates;

(2) benefits;

(3) payment procedures;

(4) contract grievance procedures;

(5) training;

(6) member dues deductions; and

(7) other terms and conditions of participation by family child care providers in the Maryland Child Care Subsidy Program.

(e) (1) (i) Subject to subparagraph (ii) of this paragraph, collective bargaining may include negotiations relating to the right of a provider organization that is the exclusive representative to receive service fees from nonmembers.

(ii) The representatives of the State may not reach an agreement containing a service fee provision unless the representatives of the State conclude that the agreement as a whole will not adversely impact nonmember providers.

(2) A family child care provider whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) not required to pay a service fee; and

(ii) required to pay an amount of money as determined in collective bargaining negotiations, not to exceed any service fee negotiated under paragraph (1) of this subsection, to any charitable organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code and to furnish to the State Department of Education and the exclusive representative written proof of the payment.

(f) (1) Collective bargaining shall include negotiations that result in the establishment of a fund for the purpose of protecting family child care providers against extreme hardship or loss of livelihood resulting from late State payments.

(2) The exclusive representative shall pay for a portion of the fund.

(3) The fund:

(i) may not be a State fund; but

(ii) shall be established and administered in consultation with the State.

(4) All revenues, money, and assets of the fund belong solely to the fund and are held by the fund in trust for family child care providers.

(5) The State may not borrow, appropriate, or direct payments from the revenues, money, or assets of the fund for any purpose.

(6) The fund shall include funds sufficient to meet the reasonably foreseeable needs of the family child care providers.

(g) Notwithstanding subsection (d) of this section, the representatives of the State:

(1) may not be required to negotiate any matter that is inconsistent with applicable law; and

(2) may negotiate and reach agreement with regard to any such matter only if it is understood that the agreement with respect to such matter cannot become effective unless the applicable law is amended by the General Assembly.

(h) The parties shall reduce their agreement to a Memorandum of Understanding that complies with the provisions of § 3–601 of the State Personnel and Pensions Article.

§5–595.4.

The certification of an exclusive representative of family child care providers by the State Department of Education does not prevent the certified provider organization

or any other organization or individual from communicating with any State official on matters of interest, including appearing before or making proposals to the State Department of Education at a public meeting or hearing or at any other forum of the State Department of Education.

§5–595.5.

(a) A provider organization may not call or direct a strike or other collective cessation of the delivery of services.

(b) This Part XI of this subtitle may not be construed to grant any right, or imply that family child care providers have any right, to engage in a strike or other collective cessation of the delivery of services.

§5–595.6.

(a) This Part XI of this subtitle may not be construed to make family child care providers employees of the State.

(b) This Part XI of this subtitle may not alter in any way the role of parents in selecting, directing, and terminating the services of family child care providers.

§5–601.

The Interstate Compact on the Placement of Children is hereby entered into by this State with all states legally joining in the compact in the form substantially as follows:

(1) Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of § 5-606 of this subtitle. However, in the event of partial or complete default of performance thereunder, the provisions of state laws fixing responsibility for the support of children also may be invoked.

(2) The "appropriate public authorities" as used in § 5-604 of the Interstate Compact on the Placement of Children shall, with reference to this State, mean the Department of Human Resources. This Department shall receive and act with reference to notices required by § 5-604 of this subtitle.

(3) As used in § 5-606(a) of the Interstate Compact on the Placement of Children, the phrase "appropriate authority in the receiving state" with reference to this State shall mean the Department of Human Resources.

(4) The officers and agencies of this State and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to § 5-606(b) of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this State or subdivision

or agency thereof shall not be binding unless it has the approval in writing of the Department of Human Resources.

(5) Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this State or a subdivision thereof as contemplated by § 5-606(b) of the Interstate Compact on the Placement of Children.

(6) Any provisions of law restricting out-of-state placement shall not apply to placements made pursuant to the Interstate Compact on the Placement of Children.

(7) Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to § 5-607 of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in § 5-606 of this subtitle.

(8) As used in § 5-608 of the Interstate Compact on the Placement of Children, the term "executive head" means the Governor. The Governor is hereby authorized to appoint a compact administrator in accordance with the terms of § 5-608 of this subtitle.

(9) The definitions in § 1-101 of this article do not apply to the Interstate Compact on the Placement of Children set forth in this subtitle.

§5–602.

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(1) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(2) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(3) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(4) Appropriate jurisdictional arrangements for the care of children will be promoted.

§5–603.

As used in this compact:

(1) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(2) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(3) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(4) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

§5–604.

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this section and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) the name, date and place of birth of the child.

(2) the identity and address or addresses of the parents or legal guardian.

(3) the name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) a full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to subsection (b) of this section may request of the sending agency, or any

other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

§5–605.

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

§5–606.

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in subsection (a) of this section.

§5–607.

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to the child being sent to such other party jurisdiction for institutional care and the court finds that:

(1) equivalent facilities for the child are not available in the sending agency's jurisdiction; and

(2) institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

§5–608.

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in that jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

§5–609.

This compact shall not apply to:

(1) the sending or bringing of a child into a receiving state by the child's parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or guardian and leaving the child with any such relative or non-agency guardian in the receiving state.

(2) any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

§5–610.

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and with the consent of Congress, the government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective

date of withdrawal.

§5–611.

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§5–701.

(a) Except as otherwise provided in § 5-705.1 of this subtitle, in this subtitle the following words have the meanings indicated.

(b) "Abuse" means:

(1) the physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or

(2) sexual abuse of a child, whether physical injuries are sustained or not.

(c) "Administration" means the Social Services Administration of the Department.

(d) (1) Except as provided in paragraph (2) of this subsection, "central registry" means any component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations.

(2) "Central registry" does not include a local department case file.

(e) "Child" means any individual under the age of 18 years.

(f) Repealed.

(g) (1) "Educator or human service worker" means any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility.

(2) "Educator or human service worker" includes:

(i) any teacher;

(ii) any counselor;

(iii) any social worker;

(iv) any caseworker; and

(v) any probation or parole officer.

(h) "Family member" means a relative by blood, adoption, or marriage of a child.

(i) (1) "Health practitioner" includes any person who is authorized to practice healing under the Health Occupations Article or § 13-516 of the Education Article.

(2) "Health practitioner" does not include an emergency medical dispatcher.

(j) "Household" means the location:

(1) in which the child resides;

(2) where the abuse or neglect is alleged to have taken place; or

(3) where the person suspected of abuse or neglect resides.

(k) "Household member" means a person who lives with, or is a regular presence in, a home of a child at the time of the alleged abuse or neglect.

(l) "Identifying information" means the name of:

(1) the child who is alleged to have been abused or neglected;

(2) a member of the household of the child;

(3) a parent or legal guardian of the child; or

(4) an individual suspected of being responsible for abuse or neglect of the child.

(m) "Indicated" means a finding that there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur.

(n) (1) "Law enforcement agency" means a State, county, or municipal police department, bureau, or agency.

(2) "Law enforcement agency" includes:

(i) a State, county, or municipal police department or agency;

(ii) a sheriff's office;

(iii) a State's Attorney's office; and

(iv) the Attorney General's office.

(o) Except as provided in §§ 5-705.1 and 5-714 of this subtitle, "local department" means the local department that has jurisdiction in the county:

(1) where the allegedly abused or neglected child lives; or

(2) if different, where the abuse or neglect is alleged to have taken place.

(p) "Local department case file" means that component of the Department's confidential computerized database that contains information regarding child abuse and neglect investigations to which access is limited to the local department staff responsible for the investigation.

(q) "Local State's Attorney" means the State's Attorney for the county:

(1) where the allegedly abused or neglected child lives; or

(2) if different, where the abuse or neglect is alleged to have taken place.

(r) "Mental injury" means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

(s) "Neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

(1) that the child's health or welfare is harmed or placed at substantial risk of harm; or

(2) mental injury to the child or a substantial risk of mental injury.

(t) "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(u) "Record" means the original or any copy of any documentary material, in any form, including a report of suspected child abuse or neglect, that is made by, received by, or received from the State, a county, or a municipal corporation in the State, or any subdivision or agency concerning a case of alleged child abuse or neglect.

(v) "Report" means an allegation of abuse or neglect, made or received under this subtitle.

(w) "Ruled out" means a finding that abuse, neglect, or sexual abuse did not

occur.

(x) (1) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

(2) "Sexual abuse" includes:

(i) allowing or encouraging a child to engage in:

1. obscene photography, films, poses, or similar activity;

2. pornographic photography, films, poses, or similar activity; or

3. prostitution;

(ii) human trafficking;

(iii) incest;

(iv) rape;

(v) sexual offense in any degree;

(vi) sodomy; and

(vii) unnatural or perverted sexual practices.

(y) "Unsubstantiated" means a finding that there is an insufficient amount of evidence to support a finding of indicated or ruled out.

§5–702.

The purpose of this subtitle is to protect children who have been the subject of abuse or neglect by:

(1) mandating the reporting of any suspected abuse or neglect;

(2) giving immunity to any individual who reports, in good faith, a suspected incident of abuse or neglect;

(3) requiring prompt investigation of each reported suspected incident of abuse or neglect;

(4) causing immediate, cooperative efforts by the responsible agencies on behalf of children who have been the subject of reports of abuse or neglect; and

(5) requiring each local department to give the appropriate service in the best interest of the abused or neglected child.

§5–703.

(a) The provisions of this subtitle are in addition to and not in substitution for the provisions of Title 3, Subtitle 8 of the Courts and Judicial Proceedings Article.

(b) Except as otherwise provided in § 5-705.1 of this subtitle, the provisions of this subtitle apply only to:

(1) suspected abuse or neglect that is alleged to have occurred in this State; and

(2) suspected abuse or neglect of a child who lives in this State, regardless of where the suspected abuse or neglect is alleged to have occurred.

§5–704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) who has reason to believe that a child has been subjected to abuse or neglect, shall notify the local department or the appropriate law enforcement agency; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

(i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; and

(ii) a written report:

1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney.

(2) (i) An agency to which an oral report of suspected abuse or neglect is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse or neglect; and

(ii) the identity of any individual responsible for the abuse or neglect.

§5–704.1.

(a) An individual may notify the local department or the appropriate law enforcement agency if the individual has reason to believe that a parent, guardian, or caregiver of a child allows the child to reside with or be in the regular presence of an individual, other than the child's parent or guardian, who:

(1) is registered under Title 11, Subtitle 7 of the Criminal Procedure Article based on the commission of an offense against a child; and

(2) based on additional information, poses a substantial risk of sexual abuse to the child.

(b) (1) A report under subsection (a) of this section may be oral or in writing.

(2) If acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, an individual who notifies the appropriate authorities under subsection (a) of this section immediately shall notify and give all of the information required by this section to the head of the institution or the designee of the head of the institution.

(c) To the extent reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the substantial risk of sexual abuse of the child, including any evidence or information available to the reporter concerning possible previous instances of sexual abuse; and

(5) any other information that would help to determine:

(i) the cause of the substantial risk of sexual abuse; and

(ii) the identity of any individual responsible for the substantial risk of sexual abuse.

§5–704.2.

(a) (1) In this section the following words have the meanings indicated.

(2) "Controlled drug" means a controlled dangerous substance included in Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V under Title 5, Subtitle 4 of the Criminal Law Article.

(3) "Health care practitioner" has the meaning stated in § 1–301 of the Health Occupations Article.

(4) "Newborn" means a child under the age of 30 days who is born or who receives care in the State.

(b) For purposes of this section, a newborn is "substance–exposed" if:

(1) the newborn:

(i) displays a positive toxicology screen for a controlled drug as evidenced by any appropriate test after birth;

(ii) displays the effects of controlled drug use or symptoms of withdrawal resulting from prenatal controlled drug exposure as determined by medical personnel; or

(iii) displays the effects of a fetal alcohol spectrum disorder; or

(2) the newborn's mother had a positive toxicology screen for a controlled drug at the time of delivery.

(c) Except as provided in subsections (d) and (e) of this section, a health care practitioner involved in the delivery or care of a substance–exposed newborn shall:

(1) make an oral report to the local department as soon as possible; and

(2) make a written report to the local department not later than 48 hours after the contact, examination, attention, treatment, or testing that prompted the report.

(d) In the case of a substance–exposed newborn in a hospital or birthing center, a health care practitioner shall notify and provide the information required under this section to the head of the institution or the designee of the head.

(e) A health care practitioner is not required to make a report under this section if the health care practitioner:

(1) has knowledge that the head of an institution or the designee of the head or another individual at that institution has made a report regarding the substance–exposed newborn;

(2) has verified that, at the time of delivery, the mother was using a controlled substance as currently prescribed for the mother by a licensed health care practitioner; or

(3) has verified that, at the time of delivery, the presence of the controlled substance was consistent with a prescribed medical or drug treatment administered to the mother or the newborn.

(f) To the extent known, an individual who makes a report under this section shall include in the report the following information:

(1) the name, date of birth, and home address of the newborn;

(2) the names and home addresses of the newborn's parents;

(3) the nature and extent of the effects of the prenatal alcohol or drug exposure on the newborn;

(4) the nature and extent of the impact of the prenatal alcohol or drug exposure on the mother's ability to provide proper care and attention to the newborn;

(5) the nature and extent of the risk of harm to the newborn; and

(6) any other information that would support a conclusion that the needs of the newborn require a prompt assessment of risk and safety, the development of a plan of safe care for the newborn, and referral of the family for appropriate services.

(g) Within 48 hours after receiving the notification pursuant to subsection (c) of this section, the local department shall:

(1) see the newborn in person;

(2) consult with a health care practitioner with knowledge of the newborn's condition and the effects of any prenatal alcohol or drug exposure; and

(3) attempt to interview the newborn's mother and any other individual responsible for care of the newborn.

(h) (1) Promptly after receiving a report under subsection (c) of this section, the local department shall assess the risk of harm to and the safety of the newborn to determine whether any further intervention is necessary.

(2) If the local department determines that further intervention is necessary, the local department shall:

(i) develop a plan of safe care for the newborn;

(ii) assess and refer the family for appropriate services, including alcohol or drug treatment; and

(iii) as necessary, develop a plan to monitor the safety of the newborn and the family's participation in appropriate services.

(i) A report made under this section does not create a presumption that a child has been or will be abused or neglected.

(j) The Secretary of Human Resources shall adopt regulations to implement the provisions of this section.

§5–705.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person in this State other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall notify the local department or the appropriate law enforcement agency.

(2) A person is not required to provide notice under paragraph (1) of this subsection:

(i) in violation of the privilege described under § 9–108 of the Courts Article;

(ii) if the notice would disclose matter communicated in confidence by a client to the client's attorney or other information relating to the representation of the client; or

(iii) in violation of any constitutional right to assistance of counsel.

(3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § 9–111 of the Courts Article and:

(i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and

(ii) the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

(b) (1) An agency to which a report of suspected abuse or neglect is made under subsection (a) of this section shall immediately notify the other agency.

(2) This subsection does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) A report made under subsection (a) of this section may be oral or in writing.

(d) (1) To the extent possible, a report made under subsection (a) of this section shall include the information required by § 5–704(c) of this subtitle.

(2) A report made under subsection (a) of this section shall be regarded as a report within the provisions of this subtitle, whether or not the report contains all of the information required by § 5–704(c) of this subtitle.

§5–705.1.

(a) In this section, "local department" means a department of social services for a county in this State.

(b) The following provisions of this subtitle shall apply to the reporting of suspected abuse or neglect under this section:

(1) except as provided in subsection (a) of this section, the definitions set forth in § 5-701 of this subtitle;

(2) the provisions relating to the confidentiality of reports specified in § 5-707(a)(1) and (2) of this subtitle; and

(3) the provisions relating to immunity from civil liability or criminal penalty specified in § 5-708 of this subtitle.

(c) (1) If suspected abuse or neglect is alleged to have occurred outside of this State and the victim is currently a child who lives outside of this State, a person who would be required to report suspected abuse or neglect under the provisions of § 5-704 or § 5-705 of this subtitle shall report the suspected abuse or neglect to any local

department in accordance with paragraph (2) of this subsection.

(2) A person described in § 5-704 of this subtitle shall make:

(i) an oral report, by telephone or direct communication, as soon as possible; and

(ii) a written report not later than 48 hours after the contact, examination, attention, or treatment that caused the person to believe that the child had been subjected to abuse or neglect.

(3) A person described in § 5-705 of this subtitle shall make an oral or a written report.

(4) To the extent possible, a report under this subsection shall include the information specified in § 5-704(c) of this subtitle.

(d) Promptly after receiving a report of suspected abuse or neglect under this section, the local department shall forward the report to the appropriate agency outside of this State that is authorized to receive and investigate reports of suspected abuse or neglect.

§5–705.2.

(a) An individual may not intentionally prevent or interfere with the making of a report of suspected abuse or neglect required by § 5–704 or § 5–705.1(c)(2) of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

§5–706.

(a) (1) In this section, "alternative response" means a component of the child protective services program that provides for a comprehensive assessment of:

(i) risk of harm to the child;

(ii) risk of subsequent child abuse or neglect;

(iii) family strengths and needs; and

(iv) the provision of or referral for necessary services.

(2) "Alternative response" does not include:

(i) an investigation; or

(ii) a formal determination as to whether child abuse or neglect has occurred.

(b) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency, or both, if jointly agreed on, shall make a thorough investigation of a report of suspected abuse or neglect to protect the health, safety, and welfare of the child or children.

(c) Within 24 hours after receiving a report of suspected physical or sexual abuse of a child who lives in this State that is alleged to have occurred in this State, and within 5 days after receiving a report of suspected neglect or suspected mental injury of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency shall:

(1) see the child;

(2) attempt to have an on–site interview with the child's caretaker;

(3) decide on the safety of the child, wherever the child is, and of other children in the household; and

(4) decide on the safety of other children in the care or custody of the alleged abuser.

(d) The investigation under subsection (c) of this section shall include:

(1) a determination of the nature, extent, and cause of the abuse or neglect, if any;

(2) if mental injury is suspected, an assessment by two of the following:

(i) a licensed physician, as defined in § 14–101 of the Health Occupations Article;

(ii) a licensed psychologist, as defined in § 18–101 of the Health Occupations Article; or

(iii) a licensed social worker, as defined in § 19–101 of the Health Occupations Article; and

(3) if the suspected abuse or neglect is verified:

(i) a determination of the identity of the person or persons responsible for the abuse or neglect;

(ii) a determination of the name, age, and condition of any other child in the household;

(iii) an evaluation of the parents and the home environment;

(iv) a determination of any other pertinent facts or matters; and

(v) a determination of any needed services.

(e) On request by the local department, the local State's Attorney shall assist in an investigation under subsections (c) and (d) of this section.

(f) The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the local department's office responsible for child care regulation, and the local health officer shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (c) and (d) of this section and prosecution of reported cases of suspected abuse or neglect.

(g) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (c) and (d) of this section.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation of sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child; and

2. decrease any trauma experienced by the child in the investigation and prosecution of the case; and

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases.

(h) (1) To the extent possible, an investigation under subsections (c) and (d) of this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies.

(2) An investigation under subsections (c) and (d) of this section that is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

(i) Within 10 days after the local department or law enforcement agency receives the first notice of suspected abuse of a child who lives in this State that is alleged to have occurred in this State, the local department or law enforcement agency

shall report to the local State's Attorney the preliminary findings of the investigation.

(j) Within 5 business days after completion of the investigation of suspected abuse of a child who lives in this State that is alleged to have occurred in this State, the local department and the appropriate law enforcement agency, if that agency participated in the investigation, shall make a complete written report of its findings to the local State's Attorney.

(k) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred outside of this State, the local department shall:

(1) forward the report to the appropriate agency outside of this State that is authorized to receive and investigate reports of suspected abuse or neglect;

(2) cooperate to the extent requested with the out–of–state agency investigating the report; and

(3) if determined appropriate by the local department:

(i) interview the child to assess whether the child is safe; and

(ii) provide services to the child and the child's family.

(l) Notwithstanding the provisions of this section, the Secretary may implement an alternative response program for selected reports of abuse or neglect.

(m) (1) The Department shall convene a multidisciplinary alternative response advisory council.

(2) The advisory council shall consist of the following members:

(i) the Secretary of Human Resources, or the Secretary's designee;

(ii) the Secretary of Health and Mental Hygiene, or the Secretary's designee;

(iii) the State Superintendent of Schools, or the Superintendent's designee;

(iv) a representative from the Maryland Disability Law Center;

(v) a representative from a child advocacy organization;

(vi) a representative from a community partner or a local service provider;

(vii) a pediatrician with experience in diagnosing and treating injuries related to abuse and neglect;

(viii) an attorney with experience representing children or adults in abuse and neglect cases;

(ix) a representative from the Office of the Public Defender;

(x) a parent or guardian who has personal experience with the child protective services system;

(xi) a child who has personal experience with the child protective services system;

(xii) two representatives from local departments of social services; and

(xiii) two representatives from local citizens review panels.

(3) The Secretary of Human Resources or the Secretary's designee shall be the chair of the advisory council.

(4) The advisory council shall advise the Department on:

(i) the development of the alternative response implementation plan, which may include a pilot program;

(ii) oversight and monitoring of the alternative response implementation plan;

(iii) consulting with local citizens review panels, local services affiliates, and other local partners for feedback and recommendations on the alternative response implementation plan;

(iv) defining the scope of the independent evaluation of the implementation of the alternative response program; and

(v) defining the scope of the ongoing evaluation of the alternative response program.

(n) Only a low risk report of abuse or neglect may be considered for an alternative response.

(o) A report that is not assigned for an alternative response shall be assigned for investigation in accordance with this section.

(p) The following reports of suspected abuse or neglect may not be assigned for an alternative response:

(1) sexual abuse; and

(2) abuse or neglect:

(i) occurring in an out–of–home placement;

(ii) resulting in death or serious physical or mental injury;

(iii) if, in the previous 3 years, the individual suspected of abuse or neglect has been identified as responsible for abuse or neglect as documented in the records of the local department; or

(iv) if the individual suspected of abuse or neglect has had one report assigned for an alternative response within the past 12 months or two reports assigned for an alternative response within the past 24 months.

(q) A report assigned for an alternative response may be reassigned at any time for an immediate investigation based on any of the following factors and circumstances:

(1) a reassessment of the report or relevant facts;

(2) a determination that the case satisfies a criterion in subsection (p) of this section; or

(3) a family's inability or refusal to participate in the alternative response assessment.

(r) A report assigned for an investigation may be reassigned for an alternative response at any time based on:

(1) a reassessment of the report or relevant facts that demonstrate that the case meets the criteria for an alternative response;

(2) a determination that accepted services would address all issues of risk of abuse or neglect and child safety; and

(3) approval by a caseworker supervisor.

(s) When a report is referred for an alternative response, the local department shall:

(1) see the child and the child's parent or primary caretaker within 24 hours of receiving a report of physical abuse;

(2) see the child and the child's parent or primary caretaker within 5 days of receiving a report of neglect;

(3) attempt to have an on–site interview with the child's parent or primary caretaker;

(4) evaluate the child's home environment;

(5) decide on the safety of the child, wherever the child is, and of other

children in the household;

(6) decide on the safety of other children in the care or custody of the individual suspected of abuse or neglect;

(7) advise the appropriate law enforcement agency that the report has been assigned for an alternative response, if the law enforcement agency made the report of abuse or neglect;

(8) inform the individual suspected of child abuse or neglect of the allegations made against the individual in a manner consistent with laws protecting the rights of the person who made the report;

(9) complete an alternative response assessment within 60 days after the receipt of the report;

(10) within 10 days after completing the alternative response assessment, provide a written report to the family members who are participating in the alternative response assessment as to whether and what services are necessary to address:

(i) the safety of the child or other children in the household; and

(ii) the risk of subsequent abuse or neglect; and

(11) consistent with the assessment and any safety or services plans:

(i) render any appropriate services in the best interests of the child;

(ii) refer the family or child for additional services; or

(iii) as necessary for the safety of the child or other children in the household, establish a plan to monitor the safety plan and the provision or completion of appropriate services.

(t) The local department:

(1) shall:

(i) maintain complete records related to an alternative response and services for 3 years after the report was received if there is no subsequent child welfare involvement; and

(ii) expunge complete records related to an alternative response and services if there is no subsequent child welfare involvement after 3 years;

(2) may not use or disclose records related to an alternative response for purposes of responding to a request for background information for employment or voluntary services; and

(3) shall protect from disclosure records related to an alternative response in accordance with § 1–202 of the Human Services Article.

§5–706.1.

(a) Within 30 days after the completion of an investigation in which there has been a finding of indicated or unsubstantiated abuse or neglect, the local department shall notify in writing the individual alleged to have abused or neglected a child:

(1) of the finding;

(2) of the opportunity to appeal the finding in accordance with this section; and

(3) if the individual has been found responsible for indicated abuse or neglect, that the individual may be identified in a central registry as responsible for abuse or neglect under the circumstances specified in § 5-714(e) of this subtitle.

(b) (1) In the case of a finding of indicated abuse or neglect, an individual may request a contested case hearing to appeal the finding in accordance with Title 10, Subtitle 2 of the State Government Article by responding to the notice of the local department in writing within 60 days.

(2) Unless the individual and the department agree on another location, a contested case hearing shall be held in the jurisdiction in which the individual alleged to have abused or neglected a child resides.

(3) (i) If a criminal proceeding is pending on charges arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall stay the hearing until a final disposition is made.

(ii) If after final disposition of the criminal charge, the individual requesting the hearing is found guilty of any criminal charge arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall dismiss the administrative appeal.

(4) (i) If a CINA case is pending concerning a child who has been allegedly abused or neglected by the appellant or a child in the care, custody, or household of the appellant, the Office of Administrative Hearings shall stay the hearing until the CINA case is concluded.

(ii) After the conclusion of the CINA case, the Office of Administrative Hearings shall vacate the stay and schedule further proceedings in accordance with this section.

(c) (1) In the case of a finding of unsubstantiated abuse or neglect, an individual may request a conference with a supervisor in the local department by responding to the notice of the local department in writing within 60 days.

(2) In response to a timely request for a conference, a local department supervisor shall schedule a conference, to occur within 30 days after the supervisor receives the request, to allow the individual an opportunity to review the redacted record and request corrections or to supplement the record.

(3) Within 10 days after the conference, the local department shall send to the individual:

(i) a written summary of the conference and of any modifications to be made in the record; and

(ii) notice of the individual's right to request a contested case hearing in accordance with paragraph (4) of this subsection.

(4) (i) The individual may request a contested case hearing in accordance with subsection (b) of this section to appeal the outcome of the conference by responding to the summary in writing within 60 days.

(ii) If the individual does not receive the written summary and notice specified in paragraph (3) of this subsection within 20 days, the individual may request a contested case hearing.

(iii) An individual may request a contested case hearing in the case of a finding of unsubstantiated abuse or neglect only as provided in this paragraph.

(d) In the case of an unexpunged finding of indicated or unsubstantiated abuse or neglect made prior to June 1, 1999, the local department shall provide the individual with an opportunity to appeal the finding in accordance with this section if the individual:

(1) requests such an appeal;

(2) has not been offered an opportunity to request a contested case hearing; and

(3) has not been found guilty of any criminal charge arising out of the alleged abuse or neglect.

§5–706.2.

(a) (1) A local department or a law enforcement agency may receive a report under § 5–704.1 of this subtitle that a child is at substantial risk of sexual abuse.

(2) If a law enforcement agency receives the report, the law enforcement agency shall immediately refer the report to the local department.

(3) The Secretary of Human Resources shall adopt regulations governing:

(i) how staff in a local department should elicit information when receiving a report under § 5–704.1 of this subtitle; and

(ii) the definition of substantial risk of sexual abuse as used in this subtitle.

(b) (1) Except as provided in paragraph (3) of this subsection, after confirming that the allegations in the report regarding the individual's history are accurate and that there is specific information that the child is at substantial risk of sexual abuse, the local department shall make a thorough investigation to protect the health, safety, and welfare of any child or children who may be at substantial risk of sexual abuse.

(2) The local department shall conduct the investigation jointly with an appropriate law enforcement agency.

(3) If a subsequent report is received regarding an individual with a history of sexual abuse that alleges substantially the same facts as a report that the local department has previously investigated, the local department may decline to make an investigation of the subsequent report.

(c) Within 5 days after receiving the report, the local department and the appropriate law enforcement agency shall:

(1) see the child in person;

(2) attempt to have an on–site interview with the child's caregiver and the individual identified in the report as an individual registered under Title 11, Subtitle 7 of the Criminal Procedure Article based on the commission of an offense against a child;

(3) decide on the safety and level of risk to the child, wherever the child is, and of other children in the household; and

(4) decide on the safety and level of risk of other children in the care or custody of the individual identified in the report as an individual registered under Title 11, Subtitle 7 of the Criminal Procedure Article based on the commission of an offense against a child.

(d) To the extent possible, an investigation under this section shall be completed as soon as practicable but not later than 30 days after receipt of the report.

(e) As part of the investigation, the local department shall:

(1) determine whether the child is safe;

(2) determine whether sexual abuse of the child has occurred;

(3) if appropriate, offer services to the family; and

(4) immediately decide whether to file a petition alleging that the child is in need of assistance.

§5–706.3.

(a) The Department of Human Resources, in cooperation with the Department of Health and Mental Hygiene, shall develop intervention systems in at least four counties designated by the Secretary of Human Resources that:

(1) include drug treatment for a mother of a child who is born drug exposed and supportive services for the family of the child; and

(2) serve 300 families.

(b) An intervention shall be initiated when:

(1) a child is born drug exposed; and

(2) medical personnel have determined that the child is at a high risk of abuse or neglect.

(c) Subject to the provisions of subsections (a) and (b) of this section, the local department of social services and the Department of Health and Mental Hygiene shall assist the mother of a child who is born drug exposed in:

(1) obtaining drug treatment; and

(2) providing supportive services to maintain family unity.

(d) A CINA petition shall be filed on behalf of a child who is born drug exposed, if:

(1) the mother refuses the recommended level of drug treatment, or does not successfully complete the recommended level of drug treatment;

(2) the mother is unable to provide adequate care for the child; and

(3) the father is unable to provide adequate care for the child.

§5–707.

(a) Subject to federal and State law, the Administration shall provide by regulation adopted in accordance with Title 10, Subtitle 1 of the State Government Article:

(1) procedures for protecting the confidentiality of reports and records made in accordance with this subtitle;

(2) conditions under which information may be released;

(3) conditions for determining in cases whether abuse, neglect, or sexual abuse is indicated, ruled out, or unsubstantiated; and

(4) procedures for the appeal processes provided in this subtitle.

(b) The local department shall expunge a report of suspected abuse or neglect and all assessments and investigative findings:

(1) within 5 years after the date of referral if the investigation under § 5-706 of this subtitle concludes that the report is unsubstantiated, and no further reports of abuse or neglect are received during the 5 years; and

(2) within 120 days after the date of referral if the report is ruled out, and no further reports of abuse or neglect are received during the 120 days.

§5–708.

Any person who makes or participates in making a report of abuse or neglect under § 5–704, § 5–705, or § 5–705.1 of this subtitle or a report of substantial risk of sexual abuse under § 5–704.1 of this subtitle or participates in an investigation or a resulting judicial proceeding shall have the immunity described under § 5–620 of the Courts and Judicial Proceedings Article from civil liability or criminal penalty.

§5–709.

(a) If a representative of a local department is conducting an investigation under this subtitle, the representative may enter the household, if the representative:

(1) previously has been denied the right of entry; and

(2) has probable cause to believe that a child is in serious, immediate danger.

(b) A police officer shall accompany the representative and may use reasonable force, if necessary, to enable the representative to gain entry.

(c) The representative may remove the child temporarily, without prior approval by the juvenile court, if the representative believes that the child is in serious, immediate danger.

(d) If a child is removed from a household under this section, the local department shall have the child thoroughly examined by a physician and a report of this examination shall be included in a report made under § 5–706(j) of this subtitle within the time specified.

§5–710.

(a) Based on its findings and treatment plan, the local department shall render

the appropriate services in the best interests of the child, including, when indicated, petitioning the juvenile court on behalf of the child for appropriate relief, including the added protection to the child that either commitment or custody would provide.

(b) (1) Promptly after receiving a report from a hospital or health practitioner of suspected neglect related to drug abuse and conducting an appropriate investigation, the local department may:

(i) file a petition alleging that the child is in need of assistance under Title 3, Subtitle 8 of the Courts Article; and

(ii) offer the mother admission into a drug treatment program.

(2) The local department may initiate a judicial proceeding to terminate a mother's parental rights, if the local department offers the mother admission into a drug treatment program under this subsection within 90 days after the birth of the child and the mother:

(i) does not accept admission to the program or its equivalent within 45 days after the offer is made;

(ii) does not accept the recommended level of drug treatment within 45 days after the offer is made; or

(iii) fails to fully participate in the program or its equivalent.

(c) If a report has been made to the State's Attorney's office under § 5–706(j) of this subtitle and the office is not satisfied with the recommendation of the local department, the office may petition a juvenile court, at the time of the report by the representative, to remove the child, if the State's Attorney concludes that the child is in serious physical danger and that an emergency exists.

§5–711.

As needed by the local department as part of its investigation under this subtitle or to provide appropriate services in the best interests of the child who is the subject of a report of child abuse or neglect, upon request, the local department shall receive copies of a child's medical records from any provider of medical care.

§5–712.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Emergency medical treatment" means medical or surgical care rendered by a provider in a laboratory, health care facility, or child advocacy center to a child under this section:

1. to relieve any urgent illness, injury, severe emotional

distress, or life-threatening health condition; or

2. to determine the existence, nature, or extent of any possible abuse or neglect.

(ii) "Emergency medical treatment" includes, if appropriate, the use of telemedicine to achieve a timely expert diagnosis of child abuse or neglect.

(3) "Expert child abuse or neglect care" means the diagnosis or treatment of child abuse or neglect provided by:

(i) a physician;

(ii) a multidisciplinary team or multidisciplinary team member;

(iii) a health care facility; or

(iv) a staff member of a health care facility who is an expert in the field of abuse and neglect.

(4) "Multidisciplinary team" means a group of professionals with expertise in various professional disciplines who provide consultation, treatment, and planning in cases of child abuse and neglect.

(5) "Provider" includes a physician, multidisciplinary team or multidisciplinary team member, a child advocacy center, a health care facility, or health care facility personnel.

(b) Any provider who is licensed or authorized to practice a profession in this State shall examine or treat any child, with or without the consent of the child's parent, guardian, or custodian, to determine the nature and extent of any abuse or neglect to the child if the child is brought to the provider:

(1) in accordance with a juvenile court order;

(2) by a representative of a local department of social services who states that the representative believes the child is an abused or neglected child;

(3) by a police officer who states that the officer believes that the child is an abused or neglected child; or

(4) by an individual required under § 5-704 of this subtitle to report suspected child abuse or neglect.

(c) If a provider examines a child under subsection (b) of this section and determines that emergency medical treatment or expert child abuse or neglect care is indicated, the provider may treat the child, with or without the consent of the child's parent, guardian, or custodian.

(d) A provider who examines or treats a child under this section shall have the immunity from liability described under § 5-621 of the Courts and Judicial Proceedings Article.

(e) (1) In accordance with regulations adopted by the Secretary of Health and Mental Hygiene, the Department of Health and Mental Hygiene shall pay for emergency medical treatment charges that are incurred on behalf of a child who is examined or treated under this section.

(2) The child's parent or guardian is liable to the Department of Health and Mental Hygiene for the payments and shall take any steps necessary to secure health benefits available for the child from a public or private benefit program.

(3) The local department shall:

(i) immediately determine whether a child treated or examined under this section is eligible for medical assistance payments; and

(ii) secure medical assistance benefits for any eligible child examined or treated under this section.

(f) To the extent possible, the Governor shall include in the annual State budget funds for the payment of emergency medical treatment for children examined or treated under this section.

§5–712.1.

(a) In this section, "health care practitioner" has the meaning stated in § 1–301 of the Health Occupations Article.

(b) If requested by a health care practitioner or another agency, institution, or program providing treatment or care to a child who is the subject of a report of child abuse or neglect for a purpose relevant to the treatment or care being provided, the Department or local department shall provide to the requestor:

(1) information regarding the condition and well–being of the child;

(2) information regarding the medical, mental health, and developmental needs of the child;

(3) the name of any other health care practitioner identified in the record as providing care or treatment to the child; and

(4) any other relevant information in the record or report.

(c) In providing information under subsection (b) of this section, the Department or local department may not release information related to the identity of the person who reported the child abuse or neglect.

§5–713.

(a) If a child is removed from a household under this subtitle or by a juvenile court order, on return of the child to the household by the local department or by the action or order of any court, State's Attorney's office, or other law enforcement agency, the local department shall establish proper supervision and monitoring of the household on a regularly scheduled basis of at least once a month for at least 3 months.

(b) The local department may extend the monitoring period.

§5–714.

(a) The Social Services Administration and each local department may maintain a central registry of cases reported under this subtitle.

(b) (1) Each local department shall provide the information for a central registry.

(2) Except for identifying information authorized under subsection (d) of this section, a central registry may not include information from a local department case file until any individual found responsible for indicated or unsubstantiated child abuse or neglect has:

(i) been found guilty of any criminal charge arising from the alleged abuse or neglect;

(ii) unsuccessfully appealed the finding in accordance with the procedures established under § 5-706.1 of this subtitle; or

(iii) failed to exercise the appeal rights within the time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State Government Article, or the Maryland Rules.

(c) The information in a central registry shall be at the disposal of:

(1) the protective services staff of the Administration;

(2) the protective services staffs of local departments who are investigating a report of suspected abuse or neglect; and

(3) law enforcement personnel who are investigating a report of suspected abuse or neglect.

(d) (1) Except as provided in paragraph (2) of this subsection, and subject to subsection (e) of this section, a central registry may contain identifying information related to an investigation of abuse or neglect.

(2) A central registry may not contain identifying information related to

an investigation of abuse or neglect if:

(i) abuse or neglect has been ruled out; or

(ii) the abuse or neglect finding has been expunged in accordance with § 5-707(b)(1) of this subtitle.

(e) (1) The Department or a local department may identify an individual as responsible for abuse or neglect in a central registry only if the individual:

(i) has been found guilty of any criminal charge arising out of the alleged abuse or neglect; or

(ii) has been found responsible for indicated abuse or neglect and has:

1. unsuccessfully appealed the finding in accordance with the procedures established under § 5-706.1 of this subtitle; or

2. failed to exercise the individual's appeal rights within the time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State Government Article, or the Maryland Rules.

(2) The Department without the necessity of a request shall remove from the name of an individual described in paragraph (1) of this subsection the identification of that individual as responsible for abuse or neglect if no entry has been made for that individual for 7 years after the entry of the individual's name in a registry.

(f) (1) Except for information entered in accordance with subsection (e) of this section, information in a central registry may not be used as a sole basis for responding to any request for background information for employment or voluntary service.

(2) An official or employee of the Department or a local department who releases information from a central registry in violation of paragraph (1) of this subsection is subject to the penalty provided in § 1–202(f) of the Human Services Article.

(g) Notwithstanding any other provision of law, the central registry may not include the identity of an individual related to an investigation of neglect or found responsible for neglect when:

(1) a child has been released from a hospital or other facility;

(2) the child has been diagnosed with a mental disorder or developmental disability; and

(3) the individual has failed to take the child home due to a reasonable fear for the safety of the child or child's family.

(h) The Secretary of Human Resources:

(1) shall adopt regulations necessary to protect the rights of individuals suspected of abuse or neglect; and

(2) may adopt regulations to implement the provisions of this section.

§5–715.

(a) The Executive Director of the Administration shall provide the Secretary of Health and Mental Hygiene with identifying information regarding individuals who, as to any child, have had their parental rights terminated under § 5–322 or § 5–323 of this title and have been identified as responsible for abuse or neglect in a central registry as described in § 5–714(e) of this subtitle.

(b) If in accordance with § 4–222 of the Health – General Article, the Secretary provides to the Executive Director birth record information for a child born to an individual whose identifying information has been provided under subsection (a) of this section, the Executive Director shall:

(1) verify that the parent of the child is the same individual described in subsection (a) of this section; and

(2) immediately notify the local department in the jurisdiction in which the child resides so that the local department may review its records and, when appropriate, provide an assessment of the family and offer services if needed.

§5–7A–01.

(a) There is a State Council on Child Abuse and Neglect.

(b) The Council is part of the Department of Human Resources for budgetary and administrative purposes.

§5–7A–02.

(a) The Council consists of up to 23 members including:

(1) one member of the Senate of Maryland appointed by the President of the Senate;

(2) one member of the House of Delegates appointed by the Speaker of the House;

(3) a representative of the Department of Human Resources, appointed by the Secretary of Human Resources;

(4) a representative of the Department of Health and Mental Hygiene, appointed by the Secretary of Health and Mental Hygiene;

(5) a representative of the Maryland State Department of Education, designated by the Superintendent;

(6) a representative of the Department of Juvenile Services, designated by the Secretary;

(7) a representative of the Judicial Branch, designated by the Chief Judge of the Maryland Court of Appeals;

(8) a representative of the State's Attorneys' Association, designated by the Association;

(9) a pediatrician with experience in diagnosing and treating injuries and child abuse and neglect, who shall be appointed by the Governor from a list submitted by the Maryland chapter of the American Academy of Pediatrics;

(10) members of the general public with interest or expertise in the prevention or treatment of child abuse and neglect who shall be appointed by the Governor and who shall include representatives from professional and advocacy groups, private social service agencies, and the medical, law enforcement, education, and religious communities; and

(11) at least two individuals who have personal experience with child abuse and neglect within their own families or who have been clients of the child protective services system who shall be appointed by the Governor.

(b) (1) The term of a member appointed under subsection (a)(9), (10), or (11) of this section is 3 years.

(2) An appointed member may serve up to two consecutive 3–year terms.

(3) In case of a vacancy, the Governor shall appoint a successor for the remainder of the unexpired term.

(c) All other members of the Council shall continue in office so long as they hold the required qualification and designation specified in subsection (a)(1) through (8) of this section.

§5–7A–03.

The Governor shall select a chairperson from among the members of the Council.

§5–7A–04.

(a) The Council shall meet not less than once every 3 months.

(b) Members of the Council shall serve without compensation, but may be reimbursed for reasonable expenses incurred in the performance of their duties in

accordance with the Standard State Travel Regulations and as provided in the State budget.

(c) The Council may employ a staff in accordance with the State budget.

§5–7A–05.

(a) The Council shall operate with one standing committee.

(b) The federal Children's Justice Act Committee is established in accordance with the requirements of the federal Children's Justice Act, Public Law 100–294. It shall review and evaluate State investigative, administrative, and judicial handling of child abuse and neglect cases, and make policy and training recommendations to improve system response and intervention. The Committee shall include representatives of the State judiciary with criminal and civil trial court docket experience, law enforcement agencies, the Maryland Public Defender's Office, State's Attorneys, the Court Appointed Special Advocate (CASA) Program, health and mental health professions, child protective services programs, programs that serve children with disabilities, parent groups, and attorneys who represent children.

(c) In addition to the Children's Justice Act Committee, the Council may establish other ad hoc committees as necessary to carry out the work of the Council.

§5–7A–06.

(a) In addition to any duties set forth elsewhere, the Council shall, by examining the policies and procedures of State and local agencies and specific cases that the Council considers necessary to perform its duties under this section, evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities in accordance with:

(1) the State plan under 42 U.S.C. § 5106a(b);

(2) the child protection standards set forth in 42 U.S.C. § 5106a(b); and

(3) any other criteria that the Council considers important to ensure the protection of children, including:

(i) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption program established under Part E of Title IV of the Social Security Act; and

(ii) a review of child fatalities and near fatalities.

(b) The Council may request that a local citizens review panel established under § 5-539.2 of this title conduct a review under this section and report its findings to the Council.

(c) The Council shall coordinate its activities under this section with the State Citizens Review Board for Children, local citizens review panels, and the child fatality review teams in order to avoid unnecessary duplication of effort.

(d) The chairperson of the Council may designate members of the Children's Justice Act Committee as special members of the Council for the purpose of carrying out the duties set forth in this section.

§5–7A–07.

(a) The members and staff of the Council:

(1) may not disclose to any person or government official any identifying information about any specific child protection case about which the Council is provided information; and

(2) may make public other information unless prohibited by law.

(b) In addition to any other penalties provided by law, the Secretary of Human Resources may impose on any person who violates subsection (a) of this section a civil penalty not exceeding $500 for each violation.

§5–7A–08.

A unit of State or local government shall provide any information that the Council requests to carry out the Council's duties under § 5-7A-06 of this subtitle.

§5–7A–09.

(a) The Council shall report and make recommendations annually to the Governor and the General Assembly on matters relating to the prevention, detection, prosecution, and treatment of child abuse and neglect, including policy and training needs that require the attention and action of the Governor or the General Assembly.

(b) The Council shall annually prepare and make available to the public a report containing a summary of its activities under § 5-7A-05 of this subtitle.

§5–801.

(a) A person who is charged with the care of a child under the age of 8 years may not allow the child to be locked or confined in a dwelling, building, enclosure, or motor vehicle while the person charged is absent and the dwelling, building, enclosure, or motor vehicle is out of the sight of the person charged unless the person charged provides a reliable person at least 13 years old to remain with the child to protect the child.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 or imprisonment not exceeding 30

days, or both.

§5–1001.

(a) In this subtitle the following words have the meanings indicated.

(b) "Administration" means the Child Support Enforcement Administration of the Department.

(c) "Complaint" means a bill or petition in equity filed in a paternity proceeding.

§5–1002.

(a) The General Assembly finds that:

(1) this State has a duty to improve the deprived social and economic status of children born out of wedlock; and

(2) the policies and procedures in this subtitle are socially necessary and desirable.

(b) The purpose of this subtitle is:

(1) to promote the general welfare and best interests of children born out of wedlock by securing for them, as nearly as practicable, the same rights to support, care, and education as children born in wedlock;

(2) to impose on the mothers and fathers of children born out of wedlock the basic obligations and responsibilities of parenthood; and

(3) to simplify the procedures for determining paternity, custody, guardianship, and responsibility for the support of children born out of wedlock.

(c) Nothing in this subtitle may be construed to limit the right of a putative father to file a complaint to establish his paternity of a child.

§5–1005.

(a) An equity court may determine the legitimacy of a child pursuant to § 1-208 of the Estates and Trusts Article.

(b) This section does not limit paternity proceedings under this subtitle except after the legitimation of a child under this section.

§5–1006.

(a) Except as otherwise provided in subsection (d) of this section, a proceeding to establish paternity of a child under this subtitle may be begun at any time before the child's eighteenth birthday.

(b) A paternity proceeding under this subtitle may be begun during pregnancy.

(c) A complaint under this subtitle is not barred because the child born out of wedlock was conceived or born outside this State.

(d) A proceeding to establish paternity of a child who is dependent on a parent because of a mental or physical infirmity may be begun at any time before the child's twenty–first birthday.

§5–1007.

Any rule of court or statute that relates to procedure applies to a proceeding under this subtitle only to the extent that the rule or statute is:

(1) practical under the circumstances; and

(2) not inconsistent with this subtitle.

§5–1010.

(a) A complaint need not be in any particular form.

(b) The complaint shall be written in simple, nontechnical language.

(c) The complaint shall state the facts on which the complaint is based.

(d) (1) Except as otherwise provided in this subsection, a complaint filed under this subtitle shall be supported by the oath of the mother or pregnant woman, whether or not she is a party to the paternity proceeding.

(2) The complaint may be filed without the oath if the mother or pregnant woman:

(i) is dead;

(ii) refuses to file a complaint;

(iii) refuses to disclose the identity of the father of the child;

(iv) is mentally or physically incapable of making an oath; or

(v) refuses to make the oath.

(3) If the complaint is filed without an oath under paragraph (2) of this subsection:

(i) the complainant shall verify the fact of the pregnancy or birth; and

(ii) if the mother or pregnant woman is living, she shall be made a defendant.

(e) (1) Except as provided in paragraph (2) of this subsection, the clerk of court may not receive a complaint starting paternity proceedings unless the consent of the State's Attorney is attached to the complaint.

(2) The consent of the State's Attorney is not required if:

(i) the complaint is filed on behalf of the Administration; or

(ii) after considering testimony or information given by affidavit, or both, the court:

1. finds that the complaint is meritorious; and

2. rules that the consent is not required.

(3) Except by an order of court for good cause shown, a proceeding under this subtitle may not be dismissed voluntarily without the consent of the State's Attorney.

§5–1011.

(a) (1) The Administration may be the complainant in any proceeding under this subtitle in which the Administration is providing child support services under federal law.

(2) The Administration shall be represented in accordance with § 10-115 of this article.

(b) For purposes of providing legal representation in a paternity proceeding under this section, the Administration may approve child support services for a person who resides out of state.

(c) A complainant under this section is not required to prepay court costs.

(d) If the Attorney General or a qualified lawyer appointed by the Attorney General represents the complainant under § 10-115 of this article, the Attorney General or the lawyer has the same powers granted to the State's Attorney under this subtitle.

§5–1012.

(a) At any time before the case is called for trial, the defendant may file a written answer to the complaint.

(b) The answer need not be in any particular form.

(c) The court shall enter a general denial of the complaint on behalf of the

defendant if the defendant does not:

(1) file a written answer; or

(2) admit the material allegations of the complaint in open court.

(d) To ensure that the defendant understands the nature and substance of the complaint, the court shall read or explain the complaint to the defendant if the defendant:

(1) appears for trial without filing a written answer; or

(2) files a written answer admitting the complaint and is not represented by counsel.

§5–1013.

(a) A party under legal disability need not proceed by guardian, committee, or next friend or defend by guardian ad litem, committee, or court-appointed counsel under this subtitle.

(b) Any proceeding under this subtitle by or against a party under legal disability and any action taken by counsel on behalf of a party under legal disability is binding on that party as if that party were not under legal disability.

(c) Any person who has knowledge of a party's legal disability shall advise the court of that disability. This duty to advise the court applies particularly to the counsel for the parties.

(d) The court may take any action and order any proceedings that the court considers just and proper to protect the rights of a party under legal disability.

§5–1014.

(a) When a complaint is filed under this subtitle, the court may issue, to assure the appearance of the defendant at trial:

(1) a summons for the appearance of the defendant; or

(2) a warrant for the arrest of the defendant.

(b) (1) The summons shall state the time and place for the defendant to appear at trial.

(2) If the defendant fails to appear as directed in the summons, the court may issue, at any time, a warrant for the defendant's arrest.

(c) The arrest warrant shall direct any officer of this State who is authorized to execute warrants to bring the defendant before the court to answer and have the

matters in the complaint adjudicated.

(d) (1) If a defendant is arrested under a warrant, the defendant shall be taken before:

(i) the court that issued the warrant; or

(ii) a commissioner of the District Court.

(2) The court or commissioner shall set bond for the defendant. The bond shall be conditioned on:

(i) the defendant's appearance in the issuing court on the date and at the time specified in the warrant; and

(ii) the defendant's obedience to any order of the court in the proceedings.

(3) The court or commissioner may require on the bond the securities or sureties the court or the commissioner considers appropriate.

(4) If the defendant does not give bond, the court or commissioner shall order the defendant imprisoned in the city or county jail until bond is given or until the issuing court discharges the defendant.

§5–1015.

Process under this subtitle shall be served or executed in the way provided by law or rule of court for service on a person who is not under a legal disability.

§5–1016.

(a) (1) Before or after the filing of a complaint, the alleged father may propose a settlement concerning the child's support whether the alleged father admits or denies paternity.

(2) The proposed contribution may be in a lump sum, installments, or otherwise.

(b) A settlement agreement shall be prepared, executed, and submitted to the court for approval if:

(1) the complainant agrees to accept the settlement;

(2) the State's Attorney is satisfied that the amount and terms of the settlement are fair and reasonable;

(3) the complainant has been advised properly regarding the contents of the settlement; and

(4) the complainant is competent to accept the settlement.

(c) If the court approves the settlement agreement, the terms of the agreement shall be incorporated in a court order.

(d) A court order incorporating a settlement agreement is as enforceable as any order that is passed after a hearing.

§5–1019.

(a) Before or after a complaint is filed under this subtitle, the State's Attorney may hold a pretrial inquiry.

(b) In connection with any pretrial inquiry under this section, the State's Attorney may:

(1) issue a summons that requires a person, other than the alleged father, to appear, to testify, and to produce documents connected with the examination;

(2) administer oaths;

(3) examine witnesses; and

(4) receive evidence.

(c) (1) If a person fails to obey a summons, or fails to testify or comply with a request of the State's Attorney, the State's Attorney may request the circuit court for the county to order the person:

(i) to obey the summons;

(ii) to testify; or

(iii) to produce any document that the court considers necessary for the inquiry.

(2) If a person fails or refuses to obey the order of court after the order has been served, the person is in contempt of court and the court may punish the person for the contempt.

(3) A finding of contempt under this subsection is subject to appeal.

§5–1020.

Before the State's Attorney conducts a pretrial inquiry under this subtitle, the State's Attorney shall notify the parties in writing of:

(1) the time and place of the inquiry;

(2) the alleged father's right to appear at the inquiry and to produce evidence or information that relates to the inquiry; and

(3) the alleged father's right to testify in his own behalf before the State's Attorney, if the alleged father:

(i) notifies the State's Attorney of the alleged father's desire to testify; and

(ii) signs a waiver that permits his testimony to be used against him in the paternity proceeding.

§5–1021.

(a) In connection with a pretrial inquiry under this subtitle, the State's Attorney may request any individual summoned to the pretrial inquiry to submit to a blood or genetic test.

(b) If the individual refuses the State's Attorney's request to submit to a blood or genetic test, the State's Attorney may apply to the circuit court for an order that directs the individual to submit to the test.

§5–1024.

(a) If a defendant fails to appear after being summoned or after giving bond as required by § 5-1014 of this subtitle, the court, in the absence of the defendant, shall, unless there is good cause to the contrary:

(1) proceed with the hearing on the complaint; and

(2) (i) issue a default judgment adjudicating paternity if the court is satisfied by the evidence presented by the petitioner; or

(ii) pass any other order that is just and proper.

(b) Any order passed under subsection (a) of this section shall be binding on and enforceable against the defendant as if the defendant were present at the hearing.

(c) If a defendant fails to appear after being summoned or after giving bond as required by § 5-1014 of this subtitle, bond shall be forfeited and applied to the payment of any obligation imposed by an order passed in the proceeding.

(d) If a defendant fails to appear after being properly summoned or after giving bond as required by § 5-1014 of this subtitle, the defendant remains subject to arrest and whatever other disposition the court may order.

§5–1025.

(a) The trial may not be held until after the birth of the child who is the subject

of the proceeding.

(b) If a complaint is filed before the birth of the child, then, until the trial is held, the court may:

(1) order the alleged father or the pregnant woman to give bond, as provided in § 5-1014 of this subtitle, conditioned on the party:

(i) appearing in the proceeding; and

(ii) complying with any further orders of the court;

(2) increase or decrease any bond previously given by the alleged father or the pregnant woman; and

(3) conduct any other preliminary proceeding that the court considers just and proper.

§5–1026.

(a) The court shall hear the complaint without a jury.

(b) Except as otherwise provided in this subtitle, proceedings under this subtitle shall be treated in accordance with the laws, rules, and practice that relate to trials in other civil cases.

(c) In a trial under this subtitle, no comment on or reference to an alleged father's failure to testify may be made or permitted.

§5–1027.

(a) At the trial, the burden is on the complainant to establish by a preponderance of the evidence that the alleged father is the father of the child.

(b) Both the mother and the alleged father are competent to testify at the trial.

(c) (1) There is a rebuttable presumption that the child is the legitimate child of the man to whom its mother was married at the time of conception.

(2) The presumption set forth in this subsection may be rebutted by the testimony of a person other than the mother or her husband.

(3) If the court determines that the presumption set forth in this subsection has been rebutted by testimony of a person other than the mother or her husband, it is not necessary to establish nonaccess of the husband to rebut the presumption set forth in this subsection.

(4) If the court determines that the presumption set forth in this subsection has been rebutted by testimony of a person other than the mother or

her husband, both the mother and her husband are competent to testify as to the nonaccess of the husband at the time of conception.

(d) The alleged father may not be compelled to give evidence at the trial.

§5–1028.

(a) An unmarried father and mother shall be provided an opportunity to execute an affidavit of parentage in the manner provided under § 4-208 of the Health - General Article.

(b) The affidavit shall be completed on a standardized form developed by the Department.

(c) (1) The completed affidavit of parentage form shall contain:

(i) in ten point boldface type a statement that the affidavit is a legal document and constitutes a legal finding of paternity;

(ii) the full name and the place and date of birth of the child;

(iii) the full name of the attesting father of the child;

(iv) the full name of the attesting mother of the child;

(v) the signatures of the father and the mother of the child attesting, under penalty of perjury, that the information provided on the affidavit is true and correct;

(vi) a statement by the mother consenting to the assertion of paternity and acknowledging that her cosignatory is the only possible father;

(vii) a statement by the father that he is the natural father of the child; and

(viii) the Social Security numbers provided by each of the parents.

(2) Before completing an affidavit of parentage form, the unmarried mother and the father shall be advised orally and in writing of the legal consequences of executing the affidavit and of the benefit of seeking legal counsel.

(d) (1) An executed affidavit of parentage constitutes a legal finding of paternity, subject to the right of any signatory to rescind the affidavit:

(i) in writing within 60 days after execution of the affidavit; or

(ii) in a judicial proceeding relating to the child:

1. in which the signatory is a party; and

2. that occurs before the expiration of the 60-day period.

(2) (i) After the expiration of the 60-day period, an executed affidavit of parentage may be challenged in court only on the basis of fraud, duress, or material mistake of fact.

(ii) The burden of proof shall be on the challenger to show fraud, duress, or material mistake of fact.

(iii) The legal responsibilities of any signatory arising from the affidavit, including child support obligations, may not be suspended during the challenge, except for good cause shown.

(e) The Administration shall prepare written information to be furnished to unmarried mothers under § 4-208 of the Health - General Article concerning the benefits of having the paternity of their children established, including the availability of child support enforcement services.

(f) The Department shall make the standardized affidavit forms available to all hospitals in the State.

(g) The Secretary, in consultation with the Department of Health and Mental Hygiene and the Maryland Hospital Association, shall adopt regulations governing the provisions of this section and § 4-208 of the Health - General Article.

§5–1029.

(a) (1) The Administration may request the mother, child, and alleged father to submit to blood or genetic tests.

(2) If the mother, child, or alleged father fails to comply with the request of the Administration, the Administration may apply to the circuit court for an order that directs the individual to submit to the tests.

(b) On the motion of the Administration, a party to the proceeding, or on its own motion, the court shall order the mother, child, and alleged father to submit to blood or genetic tests to determine whether the alleged father can be excluded as being the father of the child.

(c) The blood or genetic tests shall be made in a laboratory selected by the court from a list of laboratories provided by the Administration.

(d) The laboratory shall report the results of each blood or genetic test in writing and in the form the court requires.

(e) A copy of the laboratory report of the blood or genetic test shall be provided to the parties or their counsel in the manner that the court directs.

(f) (1) Subject to the provisions of paragraph (3) of this subsection, the laboratory report of the blood or genetic test shall be received in evidence if:

(i) definite exclusion is established; or

(ii) the testing is sufficiently extensive to exclude 97.3% of alleged fathers who are not biological fathers, and the statistical probability of the alleged father's paternity is at least 97.3%.

(2) A laboratory report is prima facie evidence of the results of a blood or genetic test.

(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the laboratory report of the blood or genetic test is admissible in evidence without the presence of a doctor or technician from the laboratory that prepared the report if the report:

1. is signed by the doctor or technician who prepared or verified the report; and

2. states that the result of the blood or genetic test is as stated in the report.

(ii) When the laboratory report of the blood or genetic test is admitted in evidence, a doctor or technician from the laboratory that prepared the report is subject to cross-examination by any party to the proceeding if the party who desires cross-examination has subpoenaed the doctor or technician at least 10 days before trial.

(4) A laboratory report received into evidence establishing a statistical probability of the alleged father's paternity of at least 99.0% constitutes a rebuttable presumption of his paternity.

(g) If any individual fails to submit to a blood or genetic test ordered by the court, that refusal, properly introduced in evidence:

(1) shall be disclosed to the court; and

(2) may be commented on by counsel.

(h) (1) Unless indigent, the party who requests a blood or genetic test or who secures the appearance in court of a doctor or technician from the laboratory that prepared the report of the blood or genetic test is responsible for the cost of the test and the costs associated with the court appearance. However, if the requesting party prevails in the proceeding, the court shall assess the cost of the blood or genetic test or the costs associated with the court appearance against the other parties to the proceeding.

(2) If any party chargeable with the cost of the blood or genetic test or the

costs associated with court appearance is indigent, the cost of the blood or genetic test or the costs associated with the court appearance shall be borne by the county where the proceeding is pending, except to the extent that the court orders any other party to the proceeding to pay all or part of the cost.

(3) Subject to the right of any party to subpoena a custodian of records at least 10 days before trial, a written statement from the laboratory that prepared the report of the blood or genetic test concerning the cost of the test and the cost associated with the court appearance shall be admissible in evidence without the presence of a custodian of records and shall constitute prima facie evidence of the costs.

(i) Upon motion of the Administration or any party to the proceeding and due consideration by the court, the court shall pass a temporary order for the support of the child if:

(1) a laboratory report establishes a statistical probability of paternity of at least 99.0%; and

(2) the court determines that the putative father has the ability to provide temporary support for the child.

§5–1032.

(a) If the court finds that the alleged father is the father, the court shall pass an order that:

(1) declares the alleged father to be the father of the child; and

(2) provides for the support of the child.

(b) (1) The father shall pay the sum to be specified in the order until the first to occur of the following events:

(i) the child becomes an adult;

(ii) the child dies;

(iii) the child marries; or

(iv) the child becomes self-supporting.

(2) If the child is an adult but is destitute and cannot be self-supporting because of a physical or mental infirmity, the court may require the father to continue to pay support during the period of the infirmity.

(c) Any money that is due for child support under this subtitle and is unpaid at the time the child becomes an adult, dies, marries, or becomes self-supporting is a continuing obligation of any party bound by the order of court until the money is paid.

(d) The court shall pass an immediate and continuing withholding order on earnings of the father in accordance with Title 10, Subtitle 1, Part III of this article.

§5–1033.

(a) In a paternity proceeding, the court may order the father or the mother to pay all or part of any 1 or more of the following:

(1) the support of the child;

(2) the mother's medical and hospital expenses for pregnancy, childbirth, and recovery; and

(3) the funeral expenses of the child.

(b) Subject to the right of any party to subpoena a custodian of records at least 10 days before trial, any records relating to the cost of the mother's medical and hospital expenses for pregnancy, childbirth, and recovery and any neonatal expenses of the child shall be admissible in evidence without the presence of a custodian of records and shall constitute prima facie evidence of the amount of expenses incurred.

(c) The court in a paternity proceeding may order the father to pay either or both of the following:

(1) all or part of the medical support of the child, including neonatal expenses; and

(2) counsel fees to the counsel who represents the complainant.

§5–1034.

(a) The court may direct that any payment ordered under this subtitle be made to the mother or any other person.

(b) If the child is, or is likely to become, a public charge, the court may order any payment ordered under this subtitle to be made to the appropriate support enforcement agency for the support of the child.

§5–1035.

(a) In an order passed under this subtitle, the court may include a provision, directed to any party, regarding:

(1) custody of the child;

(2) visitation privileges with the child;

(3) giving bond; or

(4) any other matter that is related to the general welfare and best interests of the child.

(b) In an order passed under this subtitle, the court may order any party:

(1) to remain in this State; or

(2) to report to the court any change of address.

§5–1036.

(a) Except as otherwise provided in this section, the court may award costs under this subtitle in accordance with the Maryland Rules.

(b) The court may order all or part of the costs to be paid by the county where the proceeding is instituted.

(c) The court may order any party to pay the costs of the proceeding.

§5–1037.

The court may not enter an order under this subtitle against a party unless the party is given reasonable notice and an opportunity to be heard.

§5–1038.

(a) (1) Except as provided in paragraph (2) of this subsection, a declaration of paternity in an order is final.

(2) (i) A declaration of paternity may be modified or set aside:

1. in the manner and to the extent that any order or decree of an equity court is subject to the revisory power of the court under any law, rule, or established principle of practice and procedure in equity; or

2. if a blood or genetic test done in accordance with § 5-1029 of this subtitle establishes the exclusion of the individual named as the father in the order.

(ii) Notwithstanding subparagraph (i) of this paragraph, a declaration of paternity may not be modified or set aside if the individual named in the order acknowledged paternity knowing he was not the father.

(b) Except for a declaration of paternity, the court may modify or set aside any order or part of an order under this subtitle as the court considers just and proper in light of the circumstances and in the best interests of the child.

§5–1039.

(a) If the court finds that the alleged father is not the father, the court may:

(1) retain jurisdiction; and

(2) on its own motion or otherwise, take any further proceeding that the court considers just and proper and in the best interests of the child.

(b) Under this section, the court may:

(1) enter an appropriate order against the mother for the support of the child;

(2) allow the impleader or joinder of any other alleged father; or

(3) consider any other matter that may be in the best interests of the child.

§5–1040.

(a) On completion of a paternity proceeding, the court may order the clerk of court:

(1) to seal all papers in the case; and

(2) not to open any papers in the case, except on order of the court.

(b) In any further proceeding under § 5-1038 of this subtitle on support payments or custody, the papers in the case, once ordered sealed, shall remain sealed unless the court orders otherwise.

§5–1041.

(a) A court order under this subtitle is enforceable in the same manner and to the same extent as any other order of an equity court in this State.

(b) If an individual fails to make a support payment ordered under this subtitle, the individual shall be served with an order that directs the individual to show cause why that individual should not be held in contempt.

(c) (1) The court shall issue a warrant for the arrest of any individual who:

(i) fails to appear in response to a show–cause order served on the individual under this section; or

(ii) cannot be served with the show–cause order.

(2) A warrant issued under this subsection shall be issued as provided in § 5–1014 of this subtitle.

(d) If the court finds that an individual has failed to make a support payment ordered under this subtitle while having the means to pay, the court:

(1) shall find the individual guilty of civil contempt; and

(2) may order the individual imprisoned until the individual complies with the support order or otherwise purges the contempt.

§5–1042.

(a) In a paternity proceeding, the court may order that either or both of the parents of the child give bond in the form and penalty the court directs, with or without securities.

(b) The bond to be given by a parent shall be conditioned on:

(1) the performance of all provisions of the order and any subsequent modification to the order;

(2) the parent not leaving this State without the court's permission; and

(3) the parent not changing address within this State without giving proper notice to a support enforcement officer or other person the court designates.

§5–1044.

A party has the right to appeal from an order under this subtitle to the Court of Special Appeals, as provided in Title 12, Subtitle 3 of the Courts Article.

§5–1047.

(a) The clerk of the circuit court shall keep a docket known as the "paternity docket".

(b) The paternity docket shall contain the records, proceedings, and orders that relate to each case brought under this subtitle.

§5–1048.

A finding of paternity established in any other state shall have the same force and effect in a proceeding under this subtitle as in any other civil proceeding in this State if:

(1) with respect to an adjudication of paternity, the finding was established by a court or by an administrative process that includes a right to appeal to a court; or

(2) with respect to a finding of paternity that is based on an affidavit of parentage, the affidavit was signed after each signatory to the affidavit was advised of

their legal rights.

§5–1101.

(a) The Governor may provide funding in the State budget for the awarding of grants for the development of community programs designed to educate children, parents, and other interested persons on the prevention of:

(1) child physical or sexual abuse; and

(2) child alcohol and drug abuse.

(b) Subject to the provisions of this subtitle, grants shall be awarded on a competitive basis to private organizations or public agencies submitting proposed programs for the prevention of child physical or sexual abuse and child alcohol and drug abuse.

§5–1102.

(a) All proposals for funding received under this subtitle designed to address the prevention of child physical or sexual abuse shall be reviewed by a selection committee composed of the following members:

(1) 2 persons designated by the Secretary of Human Resources, of which 1 person shall have prior experience in local community child abuse prevention programs;

(2) 2 persons designated by the State Superintendent of Schools, of which 1 person shall have prior experience in local community child abuse prevention programs; and

(3) the Special Secretary of the Office for Children, Youth, and Families who shall serve as the chairman of the committee.

(b) The Secretary of Human Resources shall establish procedures for the grant award process and publish appropriate notice in the Maryland Register and in newspapers of general circulation concerning the submittal of proposals for funding under this section.

(c) The Department shall administer the child abuse prevention grant program created under this subtitle and shall compile appropriate information regarding the awarding and use of grants received under this section.

§5–1103.

(a) All proposals for funding received under this subtitle designed to address the prevention of child alcohol and drug abuse shall be reviewed by a selection committee composed of the following members:

(1) 2 persons designated by the Secretary of Health and Mental Hygiene, of which 1 person shall have prior experience in local community alcohol and drug abuse prevention programs;

(2) 2 persons designated by the State Superintendent of Schools, of which 1 person shall have prior experience in local community alcohol and drug abuse prevention programs; and

(3) the Special Secretary of the Office for Children, Youth, and Families who shall serve as chairman of the committee.

(b) The Secretary of Health and Mental Hygiene shall establish procedures for the grant award process and publish appropriate notice in the Maryland Register and in newspapers of general circulation concerning the submittal of proposals for funding under this section.

(c) The Department of Health and Mental Hygiene shall administer the alcohol and drug abuse prevention grant program created under this subtitle and shall compile appropriate information regarding the awarding and use of grants received under this section.

§5–1104.

(a) (1) In reviewing and ranking proposals, the selection committees established under §§ 5-1102 and 5-1103 of this subtitle shall place additional value on proposals that are designed to:

(i) reach the largest possible number of parents, children, and youth in a community;

(ii) involve local government officials and other community leaders; and

(iii) be supplemented by local or private funding.

(2) The selection committees shall attempt to achieve a broad geographic distribution of funding, to the extent that a proposal has merit, in their recommendations to the Governor.

(b) Based solely on the recommendations of the selection committees, the Governor shall award grants, not to exceed $10,000 each, to further the purposes of this subtitle.

(c) All grant awards under this subtitle shall be identified and briefly described in annual reports developed by the Department of Human Resources for grants awarded under § 5-1102 of this subtitle and by the Department of Health and Mental Hygiene for grants awarded under § 5-1103 of this subtitle. These reports shall be presented to the Governor and, subject to § 2-1246 of the State Government

Article, to the General Assembly.

(d) In conjunction with the grant programs established under this subtitle, each year the Governor shall proclaim a Drug and Alcohol Abuse Prevention Awareness Week and a Child Abuse Prevention Awareness Week to focus public attention on these problems.

§5–1201.

(a) In this subtitle the following words have the meanings indicated.

(b) "At-risk parent" means a parent of a child entering out-of-home placement or identified as at risk of entering out-of-home placement.

(c) "Child welfare personnel" means paraprofessionals, caseworkers, casework supervisors, and administrators who work in child welfare programs administered by the Department.

(d) Repealed.

(e) "Cross-training" means training of both child welfare and substance abuse treatment personnel, provided by qualified trainers with an approved curriculum in essential areas, including both substance abuse and child welfare practices, procedures, and laws.

(f) Repealed.

(g) "Out-of-home placement" means placement of a child into foster care, kinship care, group care, or residential treatment care.

(h) "Qualified addictions specialist" means an individual who meets the qualifications for substance abuse counseling and screening established by the Department of Health and Mental Hygiene.

(i) "Substance abuse testing" means testing that is performed by urinalysis, breathalyzer, dip stick, blood testing, or hair analysis to determine if an individual has used either drugs or alcohol.

(j) "Substance abuse treatment" means a program that provides the intensity and type of treatment needed for parents and their children to maximize the likelihood of long-term abstinence, including detoxification, intensive outpatient treatment, intermediate care and other residential treatment (including programs in which parents and their children can live and receive treatment together), and aftercare programs such as transitional housing.

(k) "Substance abuse treatment personnel" means personnel who work in a substance abuse treatment program.

§5–1202.

(a) On or before December 1, 2000, the Secretary of Human Resources and the Secretary of Health and Mental Hygiene shall, after consultation with a broad range of child welfare professionals, substance abuse experts, judges, attorneys, managed care organizations, health care providers, local departments, local health departments, and child advocates, develop a statewide protocol for integrating child welfare and substance abuse treatment services that includes at a minimum the following:

(1) requiring cross–training for all child welfare and substance abuse treatment personnel;

(2) developing an approved curriculum for the cross–training and criteria for qualified trainers using best practices from other states;

(3) a plan for providing financial incentives for both child welfare personnel and addictions personnel who achieve specified levels of expertise;

(4) placing qualified addictions specialists, including an addiction specialist under § 5–314 of the Human Services Article, in all child welfare offices, based on a caseload formula developed by the Department;

(5) in all cases accepted for child abuse and neglect investigation or out–of–home placement, assuring that parents are screened for substance abuse and, where there is any reasonable suspicion of substance abuse, assuring that qualified addiction specialists have the:

(i) information needed regarding the circumstances of the family and any evidence that substance abuse exists; and

(ii) opportunity to consult with the parents and children;

(6) specifying the circumstances under which a local department shall include in its petition for a child in need of assistance a request that a juvenile court order comprehensive drug and alcohol assessment and testing;

(7) establishing a procedure for notifying the local department of the results of substance abuse assessment and testing;

(8) establishing a procedure for notifying an at–risk parent of the availability of substance abuse treatment; and

(9) developing procedures for routine consultation and reevaluation of progress in substance abuse treatment at every step as a child welfare case proceeds.

(b) No later than December 1, 2000, the Secretary of Human Resources and the Secretary of Health and Mental Hygiene shall submit a report to the Governor and, subject to § 2-1246 of the State Government Article, the Senate Budget and Taxation

Committee, the Senate Economic and Environmental Affairs Committee, the House Appropriations Committee, and the House Environmental Matters Committee that:

(1) sets forth the statewide protocol developed under this section; and

(2) identifies the amount and sources of funds that are being used to implement the statewide protocol developed under this section and the other requirements of this subtitle.

(c) The statewide protocol developed under this section shall be implemented in each county of the State.

§5–1203.

At an adjudicatory hearing on a petition for a child in need of assistance, if a local department requests substance abuse assessment and testing for a parent, a juvenile court shall order the assessment and testing unless the juvenile court finds compelling reasons not to order the assessment and testing and provides the reasons in writing.

§5–1204.

Subject to the availability of funds, the Governor shall include in the State budget for fiscal year 2002 and all succeeding fiscal years sufficient funds to ensure that:

(1) each at-risk parent receives substance abuse treatment when the at-risk parent indicates a desire to enter substance abuse treatment or as soon thereafter as possible; and

(2) each child of an at-risk parent receives necessary treatment to remediate the harm caused by the parent's substance abuse.

§5–1205.

The Department of Health and Mental Hygiene shall explore the use of excess hospital beds to locate new substance abuse treatment programs.

§5–1206.

(a) On or before December 15, 2000, and annually thereafter until December 15, 2007, the Secretary of Human Resources and the Secretary of Health and Mental Hygiene shall report to the Governor and, subject to § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Appropriations Committee, and the House Health and Government Operations Committee, on their progress in complying with the provisions of this subtitle.

(b) The report shall compare the availability of substance abuse treatment slots for at-risk parents and their children relative to actual demand and estimated need.

§5–1207.

(a) The Secretary of Human Resources and the Secretary of Health and Mental Hygiene shall, in developing the protocol required under § 5-1202 of this subtitle, consider the recommendations developed by the statewide Task Force to Study Increasing the Availability of Substance Abuse Programs established under Article 41, § 18-316 of the Code, as enacted by Chapter 778 of the Acts of the General Assembly of 1998, as amended by Chapter 390 of the Acts of the General Assembly of 1999.

(b) (1) On or before June 30, 2001, the Secretary of Human Resources and the Secretary of Health and Mental Hygiene shall enter into a memorandum of understanding setting forth the responsibilities of each department to implement the provisions of this subtitle.

(2) Subject to § 2-1246 of the State Government Article, the Secretary of Human Resources and the Secretary of Health and Mental Hygiene shall submit a copy of the memorandum of understanding entered into under paragraph (1) of this subsection to the Senate Budget and Taxation Committee, the Senate Economic and Environmental Affairs Committee, the House Appropriations Committee, and the House Environmental Matters Committee.

§5–1208.

The Department of Human Resources and the Department of Health and Mental Hygiene shall adopt regulations to carry out this subtitle.

§5–1209.

This subtitle may be referred to as the "Integration of Child Welfare and Substance Abuse Treatment Act".

§5–1301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Abuse" has the meaning stated in § 5-701 of this title.

(c) "Administration" means the Social Services Administration of the Department.

(d) "Child" means any individual under the age of 18 years.

(e) "Indicated" has the meaning stated in § 5-701 of this title.

(f) "Kinship care" has the meaning stated in § 5-501 of this title.

(g) "Local department" has the meaning stated in § 1-101 of this article.

(h) "Neglect" has the meaning stated in § 5-701 of this title.

(i) "Out-of-home placement" means placement of a child into foster care, kinship care, group care, or residential treatment care.

(j) "Ruled out" has the meaning stated in § 5-701 of this title.

(k) "Secretary" means the Secretary of Human Resources.

(l) "Unsubstantiated" has the meaning stated in § 5-701 of this title.

§5–1302.

(a) The Secretary and the Secretary of Budget and Management shall develop and implement an outcome-based system of accountability for measuring the efficiency and effectiveness of child welfare services for children and families in the State.

(b) The outcome measurement system shall:

(1) address areas of safety, permanence, and well-being for all children in the State child welfare system;

(2) measure performance at the State and local levels;

(3) expand on federal outcome measures;

(4) use the indicators in §§ 5-1303 through 5-1306 of this subtitle to measure outcomes; and

(5) be used in whole or in part in the Department's annual managing for results submission.

(c) The Secretary shall adopt regulations that establish guidelines for the collection of information at the State and local levels under this subtitle.

§5–1303.

The effectiveness of efforts to address child abuse and neglect shall be measured by:

(1) the recurrence within 12 months of child abuse or neglect among victims of indicated abuse or neglect;

(2) the percentage of screened out reports of child abuse or neglect that are documented as reviewed by a supervisor;

(3) the incidence of child abuse or neglect for a child who, in the prior 12 months, was not removed from the home following an investigation that found indicated or unsubstantiated abuse or neglect;

(4) the percentage of child protective services investigations that are

initiated and completed in accordance with § 5-706 of this title;

(5) for all indicated and substantiated cases of abuse and neglect, the percentage of children who:

(i) receive family preservation services; and

(ii) are able to remain safely in their own homes for 18 months after receiving family preservation services; and

(6) any other indicators adopted by the Secretary under § 5-1302 of this subtitle.

§5–1304.

The effectiveness of efforts to protect children removed from their homes from abuse and neglect shall be measured by:

(1) the incidence of indicated or unsubstantiated findings of child abuse or neglect of children in the custody of a local department, or a placement agency, for placements:

(i) in foster care homes;

(ii) in kinship care homes;

(iii) in residential treatment centers or group homes;

(iv) with family members; and

(v) in other forms of substitute care;

(2) the incidence of indicated or unsubstantiated findings of child abuse or neglect within 12 months following the release of the child committed to the Department; and

(3) any other indicators adopted by the Secretary under § 5-1302 of this subtitle.

§5–1305.

The effectiveness of efforts to address permanency and stability in the living situations of children in the custody of a local department, or a placement agency, shall be measured by:

(1) the percentage of children who exit foster care within time periods consistent with federal national standards with a breakdown by each standard;

(2) the percentage of children with more than two out-of-home placements

during a report year;

(3) the percentage of children in the custody of a local department, or a placement agency, who have siblings living in different placements;

(4) the percentage of children who exit foster care and are:

(i) reunified with a parent or guardian;

(ii) placed with a relative who is awarded custody and guardianship;

(iii) adopted; or

(iv) placed with a nonrelated guardian;

(5) the percentage of children in an out-of-home placement living in:

(i) kinship care homes;

(ii) restricted foster homes;

(iii) regular foster homes;

(iv) treatment foster homes;

(v) group homes;

(vi) residential treatment centers; and

(vii) other specified types of placements;

(6) the number of foster homes and treatment foster homes available for children in the custody of a local department, or a placement agency;

(7) the percentage of foster homes and kinship care homes in which the following have been conducted according to regulation:

(i) required criminal background checks;

(ii) fire and safety inspections;

(iii) health and safety checks;

(iv) reconsiderations, as applicable; and

(v) any other safety measures adopted by regulation;

(8) the number of children who are recommitted to the Department within 12 months of release from commitment to the Department; and

(9) any other indicators adopted by the Secretary under § 5-1302 of this subtitle.

§5–1306.

The effectiveness of efforts to address the health, mental health, education, and well–being of a child committed to the Department shall be measured by:

(1) the percentage of children in out–of–home placements who received a comprehensive assessment in compliance with federal regulations for the early and periodic screening, diagnosis, and treatment program within 60 days of entering out–of–home placement;

(2) the percentage of eligible children entering foster care or kinship care who:

(i) have been examined by a medical provider within 10 days of entry into the out–of–home placement; and

(ii) have a designated health care provider within 10 days of entry into the out–of–home placement;

(3) the percentage of school–aged children in out–of–home placements enrolled in school; and

(4) any other indicators adopted by the Secretary under § 5–1302 of this subtitle.

§5–1307.

(a) The measures in §§ 5-1303 through 5-1306 of this subtitle shall be used by the local departments and the Administration, and may be used by an entity that enters into a memorandum of understanding with the Department, to measure the efficiency and the effectiveness of child welfare services.

(b) Information collected by the State or federal government regarding the State child welfare system may also be used by the entities in subsection (a) of this section to measure the effectiveness of the child welfare system, including:

(1) the Maryland child and family services review;

(2) the adoption and foster care analysis and reporting system criteria; and

(3) the L. J. V. Massinga consent decree criteria.

§5–1308.

(a) (1) The Department shall have a process for the assessment of the quality

of casework services.

(2) An entity that specializes in child welfare services that enters into a memorandum of understanding with the Department may review and provide guidance on the quality assessment process developed by the Department.

(b) The quality assessment shall examine whether the outcome indicators established in §§ 5–1303 through 5–1306 of this subtitle have been substantially achieved.

(c) (1) The process described in subsection (a) of this section shall assess the quality of casework services through in–depth child and family case reviews that involve direct interviews by qualified and trained reviewers with:

(i) children;

(ii) family members;

(iii) caseworkers;

(iv) judges;

(v) court–appointed special advocates;

(vi) foster parents;

(vii) teachers;

(viii) medical personnel; and

(ix) others involved in providing support to the family.

(2) The child and family case reviews shall determine whether:

(i) children are safe;

(ii) the needs of children are met, specifically that the children:

1. are enrolled in school and receiving appropriate educational services; and

2. have all timely medical, dental, and mental health services, based on the child's needs; and

(iii) the visitation between separated family members is occurring frequently and regularly, consistent with the best interests of the child.

(3) The performance reviews shall determine whether:

(i) 1. the family participated in the development of the service agreement and the case plan;

2. the service agreement addressed the behaviors and circumstances that led to child abuse or neglect; and

3. the case plan and service agreement were timely initiated;

(ii) the case plan was implemented and progress was made;

(iii) all members of the team of professionals working with the family and the child met at regular intervals to make changes to services and supports as necessary;

(iv) 1. a caseworker was promptly and regularly assigned and accessible to the case;

2. the assigned caseworker visited the child at least once per month; and

3. a supervisor has been regularly assigned and accessible to the case; and

(v) the foster parent or kinship care provider is receiving all services necessary to meet the needs of the child, including child care, respite care, and other support services.

§5–1309.

(a) The Department shall enter into a memorandum of understanding with an entity that has expertise in child welfare best practices to assist in the development and implementation of a local department self-assessment process to monitor the quality of:

(1) child welfare services provided by the local departments; and

(2) the management of the child welfare system by the Administration.

(b) A local department self-assessment shall be conducted every 3 years.

(c) In conducting the self-assessment, a local department shall be required to:

(1) incorporate the results from the outcome measures in §§ 5-1303 through 5-1306 of this subtitle;

(2) incorporate the results of the quality assessment of casework services in § 5-1308 of this subtitle; and

(3) consider the results of the case reviews conducted by the Citizens'

Review Board for Children.

(d) After a local department self-assessment is accepted by the Administration, the local departments shall develop a plan to:

(1) maintain performance that meets standards;

(2) strengthen areas needing improvement; and

(3) describe how areas needing improvement will be addressed and how improvements will be measured.

(e) The Secretary shall adopt regulations governing the local department self-assessment process, including:

(1) the development of quality assurance procedures;

(2) performance standards;

(3) the timing of the assessment;

(4) the scope of the assessment;

(5) the process by which the Administration may accept or reject the local assessment and the plan;

(6) the process by which the Administration shall monitor the implementation of the local plans described in subsection (d) of this section; and

(7) the process by which the Administration shall use the assessments of the local departments to develop the statewide assessment under Title 45 § 1355.33(b) of the Code of Federal Regulations.

(f) (1) The Department shall enter into a memorandum of understanding with an entity with expertise in child welfare best practices to collect and maintain information necessary to conduct a local department self-assessment and statewide assessment.

(2) On or before January 1, 2008, and annually thereafter, the entity that enters into a memorandum of understanding with the Department, as required by this subtitle, subject to § 2-1246 of the State Government Article, shall report to the General Assembly on:

(i) the measurement of performance of the local departments and the Administration, as provided in subsection (a) of this section; and

(ii) the information collected and maintained under paragraph (1) of this subsection.

(3) Any unit of State government substantively involved with abused or neglected children may contribute information to the entity provided in paragraph (1) of this subsection.

§5–1310.

(a) The Secretary and the Secretary of Budget and Management shall ensure that sufficient numbers of qualified child welfare staff, as specified in § 4–301 of the Human Services Article, are hired and retained in order to achieve caseload ratios in child welfare services consistent with the Child Welfare League of America caseload standards.

(b) The Department, in consultation with an appropriate entity with expertise in child welfare services caseload ratios, shall develop a methodology to calculate caseload ratios in child welfare services for the State.

(c) The Department shall enter into a written contract with an entity that has expertise in child welfare services caseload ratios to annually review the calculation of caseload ratios used by the Department.

§5–1311.

(a) The Department shall establish and maintain a child welfare training academy to provide training on best practices for the following individuals:

(1) child welfare staff;

(2) child welfare administrators;

(3) foster parents; and

(4) kinship caregivers.

(b) The Department may provide training on best practices for the following individuals:

(1) the State Citizens' Review Board for Children staff and volunteers; and

(2) Court–Appointed Special Advocate staff and volunteers.

§7–101.

(a) If the grounds for the divorce occurred outside of this State, a party may not apply for a divorce unless 1 of the parties has resided in this State for at least 1 year before the application is filed.

(b) A court may not enter a decree of divorce on the uncorroborated testimony of the party who is seeking the divorce.

§7–102.

(a) The court may decree a limited divorce on the following grounds:

(1) cruelty of treatment of the complaining party or of a minor child of the complaining party;

(2) excessively vicious conduct to the complaining party or to a minor child of the complaining party;

(3) desertion; or

(4) voluntary separation, if:

(i) the parties are living separate and apart without cohabitation; and

(ii) there is no reasonable expectation of reconciliation.

(b) As a condition precedent to granting a decree of limited divorce, the court may:

(1) require the parties to participate in good faith in the efforts to achieve reconciliation that the court prescribes; and

(2) assess the costs of any efforts to achieve reconciliation that the court prescribes.

(c) The court may decree a divorce under this section for a limited time or for an indefinite time.

(d) The court that granted a decree of limited divorce may revoke the decree at any time on the joint application of the parties.

(e) If an absolute divorce is prayed and the evidence is sufficient to entitle the parties to a limited divorce, but not to an absolute divorce, the court may decree a limited divorce.

§7–103.

(a) The court may decree an absolute divorce on the following grounds:

(1) adultery;

(2) desertion, if:

(i) the desertion has continued for 12 months without interruption before the filing of the application for divorce;

(ii) the desertion is deliberate and final; and

(iii) there is no reasonable expectation of reconciliation;

(3) conviction of a felony or misdemeanor in any state or in any court of the United States if before the filing of the application for divorce the defendant has:

(i) been sentenced to serve at least 3 years or an indeterminate sentence in a penal institution; and

(ii) served 12 months of the sentence;

(4) 12–month separation, when the parties have lived separate and apart without cohabitation for 12 months without interruption before the filing of the application for divorce;

(5) insanity if:

(i) the insane spouse has been confined in a mental institution, hospital, or other similar institution for at least 3 years before the filing of the application for divorce;

(ii) the court determines from the testimony of at least 2 physicians who are competent in psychiatry that the insanity is incurable and there is no hope of recovery; and

(iii) 1 of the parties has been a resident of this State for at least 2 years before the filing of the application for divorce;

(6) cruelty of treatment toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation; or

(7) excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.

(b) Recrimination is not a bar to either party obtaining an absolute divorce on the grounds set forth in subsection (a)(1) through (7) of this section, but is a factor to be considered by the court in a case involving the ground of adultery.

(c) Res judicata with respect to another ground under this section is not a bar to either party obtaining an absolute divorce on the ground of 12–month separation.

(d) Condonation is not an absolute bar to a decree of an absolute divorce on the ground of adultery, but is a factor to be considered by the court in determining whether the divorce should be decreed.

(e) (1) A court may decree an absolute divorce even if a party has obtained a limited divorce.

(2) If a party obtained a limited divorce on the ground of desertion that at the time of the decree did not meet the requirements of subsection (a)(2) of this section, the party may obtain an absolute divorce on the ground of desertion when the desertion meets the requirements of subsection (a)(2) of this section.

§7–103.1.

(a) An order or decision in a proceeding under Title 4, Subtitle 5 of this article is inadmissible as evidence in a proceeding under this title.

(b) In a proceeding under this title, a court may not consider compliance with an order issued under Title 4, Subtitle 5 of this article as grounds for granting a decree of limited or absolute divorce.

§7–103.2.

(a) This section applies to an action for divorce in which issues of child support, custody, or visitation are raised.

(b) Prior to granting a decree of divorce, the court may require all parties to participate in an educational seminar that is designed to educate parents about the effects, and to minimize the disruption, of a divorce on the lives of children.

(c) (1) The Court of Appeals shall adopt rules to implement this section.

(2) Rules adopted in accordance with this subsection shall:

(i) provide for the content of the seminar required under this section;

(ii) require successful completion of the seminar by all parties to the action within a certain time after the service of the original complaint upon the defendant;

(iii) establish sanctions for failure to successfully complete the seminar required under this section;

(iv) for purposes of funding the cost of the seminar, establish a fee that:

1. shall be assessed as costs; and

2. may be waived under appropriate circumstances; and

(v) establish criteria for exemption from the requirement that the parties participate in an educational seminar, except that a court may not exempt the parties from attending the educational seminar if there is any evidence of domestic violence or child abuse or neglect.

(d) The seminar required under this section may be provided under contract

with a public or private agency.

(e) Unless the parties stipulate otherwise, any information about a party, including statements or reports, obtained from an educational seminar required by this section, is not admissible during the action for divorce of that party.

(f) This section may not be construed to require the parties to an action for divorce to attend the educational seminar together.

§7–104.

(a) In and of itself neither of the following is a defense to or a bar to a divorce:

(1) an unaccepted offer of reconciliation by a spouse; or

(2) a rejected attempt at reconciliation by a spouse.

(b) In and of itself neither of the following is a defense to, a bar to, or a ground for a divorce:

(1) the refusal of a spouse to accept an offer of reconciliation made by the other spouse; or

(2) the rejection by a spouse of an attempt at reconciliation made by the other spouse.

§7–105.

In granting a decree of absolute divorce, the court shall change the name of a party to either the name given the party at birth or any other former name the party wishes to use if:

(1) the party took a new name on marriage and no longer wishes to use it;

(2) the party asks for the change of name; and

(3) the purpose of the party is not illegal, fraudulent, or immoral.

§7–106.

The clerk of the circuit court for each county shall record all final decrees in proceedings for divorce in that county and keep the record readily accessible in some permanent form.

§7–107.

(a) In this section, "reasonable and necessary expense" includes:

(1) suit money;

(2) counsel fees; and

(3) costs.

(b) At any point in a proceeding under this title, the court may order either party to pay to the other party an amount for the reasonable and necessary expense of prosecuting or defending the proceeding.

(c) Before ordering the payment, the court shall consider:

(1) the financial resources and financial needs of both parties; and

(2) whether there was substantial justification for prosecuting or defending the proceeding.

(d) Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party the reasonable and necessary expense of prosecuting or defending the proceeding.

(e) The court may award reimbursement for any reasonable and necessary expense that has previously been paid.

(f) As to any amount awarded for counsel fees, the court may:

(1) order that the amount awarded be paid directly to the lawyer; and

(2) enter judgment in favor of the lawyer.

§8–101.

(a) A husband and wife may make a valid and enforceable deed or agreement that relates to alimony, support, property rights, or personal rights.

(b) A husband and wife may make a valid and enforceable settlement of alimony, support, property rights, or personal rights.

§8–102.

A deed or agreement between spouses is not a bar to an action for absolute or limited divorce, regardless of whether the deed or agreement was executed:

(1) when the parties were living together or apart; or

(2) before, after, or while there was a ground for divorce.

§8–103.

(a) The court may modify any provision of a deed, agreement, or settlement with respect to the care, custody, education, or support of any minor child of the spouses, if the modification would be in the best interests of the child.

(b) The court may modify any provision of a deed, agreement, or settlement with respect to spousal support executed on or after January 1, 1976, regardless of how the provision is stated, unless there is a provision that specifically states that the provisions with respect to spousal support are not subject to any court modification.

(c) The court may modify any provision of a deed, agreement, or settlement with respect to alimony or spousal support executed on or after April 13, 1976, regardless of how the provision is stated, unless there is:

(1) an express waiver of alimony or spousal support; or

(2) a provision that specifically states that the provisions with respect to alimony or spousal support are not subject to any court modification.

§8–104.

In a suit for absolute divorce on the grounds of voluntary separation, a separation agreement is full corroboration of the plaintiff's testimony that the separation was voluntary if the agreement:

(1) states that the spouses voluntarily agreed to separate; and

(2) is executed under oath before the application for divorce is filed.

§8–105.

(a) (1) The court may enforce by power of contempt the provisions of a deed, agreement, or settlement that are merged into a divorce decree.

(2) The court may enforce by power of contempt or as an independent contract not superseded by the divorce decree the provisions of a deed, agreement, or settlement that contain language that the deed, agreement, or settlement is incorporated but not merged into a divorce decree.

(b) The court may modify any provision of a deed, agreement, or settlement that is:

(1) incorporated, whether or not merged, into a divorce decree; and

(2) subject to modification under § 8-103 of this subtitle.

§8–201.

(a) In this subtitle the following words have the meanings indicated.

(b) "Child" means a child:

(1) under the age of 18 years; or

(2) 18 years old or older and dependent on a parent because of mental or physical infirmity.

(c) (1) "Family home" means the property in this State that:

(i) was used as the principal residence of the parties when they lived together;

(ii) is owned or leased by 1 or both of the parties at the time of the proceeding; and

(iii) is being used or will be used as a principal residence by 1 or both of the parties and a child.

(2) "Family home" does not include property:

(i) acquired before the marriage;

(ii) acquired by inheritance or gift from a third party; or

(iii) excluded by valid agreement.

(d) (1) "Family use personal property" means tangible personal property:

(i) acquired during the marriage;

(ii) owned by 1 or both of the parties; and

(iii) used primarily for family purposes.

(2) "Family use personal property" includes:

(i) motor vehicles;

(ii) furniture;

(iii) furnishings; and

(iv) household appliances.

(3) "Family use personal property" does not include property:

(i) acquired by inheritance or gift from a third party; or

(ii) excluded by valid agreement.

(e) (1) "Marital property" means the property, however titled, acquired by 1 or both parties during the marriage.

(2) "Marital property" includes any interest in real property held by the parties as tenants by the entirety unless the real property is excluded by valid agreement.

(3) Except as provided in paragraph (2) of this subsection, "marital property" does not include property:

(i) acquired before the marriage;

(ii) acquired by inheritance or gift from a third party;

(iii) excluded by valid agreement; or

(iv) directly traceable to any of these sources.

§8–202.

(a) (1) When the court grants an annulment or a limited or absolute divorce, the court may resolve any dispute between the parties with respect to the ownership of personal property.

(2) When the court grants an annulment or an absolute divorce, the court may resolve any dispute between the parties with respect to the ownership of real property.

(3) Except as provided in § 8-205 of this subtitle, the court may not transfer the ownership of personal or real property from 1 party to the other.

(b) When the court determines the ownership of personal or real property, the court may:

(1) grant a decree that states what the ownership interest of each party is; and

(2) as to any property owned by both of the parties, order a partition or a sale instead of partition and a division of the proceeds.

§8–203.

(a) In a proceeding for an annulment or an absolute divorce, if there is a dispute as to whether certain property is marital property, the court shall determine which property is marital property:

(1) when the court grants an annulment or an absolute divorce;

(2) within 90 days after the court grants an annulment or divorce, if the court expressly reserves in the annulment or divorce decree the power to make the determination; or

(3) after the 90–day period if:

(i) the court expressly reserves in the annulment or divorce decree the power to make the determination;

(ii) during the 90–day period, the court extends the time for making the determination; and

(iii) the parties consent to the extension.

(b) In this subtitle a military pension shall be considered in the same manner as any other pension or retirement benefit.

§8–204.

(a) Except as provided in subsection (b) of this section, the court shall determine the value of all marital property.

(b) (1) The court need not determine the value of a pension, retirement, profit sharing, or deferred compensation plan, unless a party has given notice in accordance with paragraph (2) of this subsection that the party objects to a distribution of retirement benefits on an "if, as, and when" basis.

(2) If a party objects to the distribution of retirement benefits on an "if, as, and when" basis and intends to present evidence of the value of the benefits, the party shall give written notice at least 60 days before the date the joint statement of the parties concerning marital and nonmarital property is required to be filed under the Maryland Rules. If notice is not given in accordance with this paragraph, any objection to a distribution on an "if, as, and when" basis shall be deemed to be waived unless good cause is shown.

§8–205.

(a) (1) Subject to the provisions of subsection (b) of this section, after the court determines which property is marital property, and the value of the marital property, the court may transfer ownership of an interest in property described in paragraph (2) of this subsection, grant a monetary award, or both, as an adjustment of the equities and rights of the parties concerning marital property, whether or not alimony is awarded.

(2) The court may transfer ownership of an interest in:

(i) a pension, retirement, profit sharing, or deferred compensation

plan, from one party to either or both parties;

(ii) subject to the consent of any lienholders, family use personal property, from one or both parties to either or both parties; and

(iii) subject to the terms of any lien, real property jointly owned by the parties and used as the principal residence of the parties when they lived together, by:

1. ordering the transfer of ownership of the real property or any interest of one of the parties in the real property to the other party if the party to whom the real property is transferred obtains the release of the other party from any lien against the real property;

2. authorizing one party to purchase the interest of the other party in the real property, in accordance with the terms and conditions ordered by the court; or

3. both.

(b) The court shall determine the amount and the method of payment of a monetary award, or the terms of the transfer of the interest in property described in subsection (a)(2) of this section, or both, after considering each of the following factors:

(1) the contributions, monetary and nonmonetary, of each party to the well-being of the family;

(2) the value of all property interests of each party;

(3) the economic circumstances of each party at the time the award is to be made;

(4) the circumstances that contributed to the estrangement of the parties;

(5) the duration of the marriage;

(6) the age of each party;

(7) the physical and mental condition of each party;

(8) how and when specific marital property or interest in property described in subsection (a)(2) of this section, was acquired, including the effort expended by each party in accumulating the marital property or the interest in property described in subsection (a)(2) of this section, or both;

(9) the contribution by either party of property described in § 8-201(e)(3) of this subtitle to the acquisition of real property held by the parties as tenants by the entirety;

(10) any award of alimony and any award or other provision that the court has made with respect to family use personal property or the family home; and

(11) any other factor that the court considers necessary or appropriate to consider in order to arrive at a fair and equitable monetary award or transfer of an interest in property described in subsection (a)(2) of this section, or both.

(c) The court may reduce to a judgment any monetary award made under this section, to the extent that any part of the award is due and owing.

§8–206.

The court shall exercise its powers under §§ 8-207 through 8-213 of this subtitle:

(1) to enable any child of the family to continue to live in the environment and community that are familiar to the child; and

(2) to provide for the continued occupancy of the family home and possession and use of family use personal property by a party with custody of a child who has a need to live in that home.

§8–207.

(a) In a proceeding for an annulment or a limited or absolute divorce, the court may determine which property is the family home and family use personal property:

(1) before the court grants an annulment or a limited or absolute divorce; or

(2) when the court grants an annulment or a limited or absolute divorce.

(b) A preliminary or pendente lite determination is subject to modification during the pendency of the proceeding.

(c) If the court determines that there is no need for an order or decree issued under this section regarding the family home or all or any part of family use personal property, the property shall be treated as marital property if it otherwise would have been treated as marital property.

§8–208.

(a) (1) When the court grants an annulment or a limited or absolute divorce, regardless of how the family home or family use personal property is titled, owned, or leased, the court may:

(i) decide that 1 of the parties shall have the sole possession and use of that property; or

(ii) divide the possession and use of the property between the parties.

(2) The court may exercise these powers pendente lite.

(b) In awarding the possession and use of the family home and family use personal property, the court shall consider each of the following factors:

(1) the best interests of any child;

(2) the interest of each party in continuing:

(i) to use the family use personal property or any part of it, or to occupy or use the family home or any part of it as a dwelling place; or

(ii) to use the family use personal property or any part of it, or to occupy or use the family home or any part of it for the production of income; and

(3) any hardship imposed on the party whose interest in the family home or family use personal property is infringed on by an order issued under §§ 8-207 through 8-213 of this subtitle.

(c) The court may order or decree that either or both of the parties pay all or any part of:

(1) any mortgage payments or rent;

(2) any indebtedness that is related to the property;

(3) the cost of maintenance, insurance, assessments, and taxes; or

(4) any similar expenses in connection with the property.

(d) An order giving a party the sole possession and use of the family home under subsection (a) of this section does not affect the right of the other party to claim the family home as that party's principal residence for tax purposes.

§8–209.

In a temporary or final order or decree, each provision that concerns the family home or family use personal property is subject, as the circumstances and justice may require, to:

(1) the terms and conditions that the court sets;

(2) the time limits that the court sets, subject to § 8-210 of this subtitle; and

(3) modification or dissolution by the court.

§8–210.

(a) (1) In any order or decree, or any modification of an order or decree, a provision that concerns the family home or family use personal property shall terminate no later than 3 years after the date on which the court grants an annulment or a limited or absolute divorce.

(2) The 3-year limitation set out in paragraph (1) of this subsection applies to a limited divorce notwithstanding the subsequent granting of an absolute divorce.

(b) Subject to the provisions of subsection (a) of this section, in any order or decree, or any modification of an order or decree, a provision that concerns the family home or family use personal property shall terminate when the party with the possession or use of the property remarries.

(c) When a provision that concerns the family home or family use personal property terminates, the court shall treat the property as marital property if the property qualifies as marital property, and adjust the equities and rights of the parties concerning the property as set out in § 8-205 of this subtitle.

§8–211.

An order, award, or decree under §§ 8-207 through 8-209 of this subtitle may not be considered as evidence of constructive desertion.

§8–212.

If an annulment or a divorce has been granted by a court in a foreign jurisdiction, a court in this State may exercise the powers under this subtitle if:

(1) 1 of the parties was domiciled in this State when the foreign proceeding was commenced; and

(2) the court in the other jurisdiction lacked or did not exercise personal jurisdiction over the party domiciled in this State or jurisdiction over the property at issue.

§8–213.

(a) Any order, award, or decree entered under this subtitle may be enforced under the Maryland Rules.

(b) Any decree of annulment or of limited or absolute divorce in which the court reserves any power under this subtitle is final and subject to appeal in all other respects.

§8–214.

(a) In this section, "reasonable and necessary expense" includes:

(1) suit money;

(2) counsel fees; and

(3) costs.

(b) At any point in a proceeding under this subtitle, the court may order either party to pay to the other party an amount for the reasonable and necessary expense of prosecuting or defending the proceeding.

(c) Before ordering the payment, the court shall consider:

(1) the financial resources and financial needs of both parties; and

(2) whether there was substantial justification for prosecuting or defending the proceeding.

(d) Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party the reasonable and necessary expense of prosecuting or defending the proceeding.

(e) The court may award reimbursement for any reasonable and necessary expense that has previously been paid.

(f) As to any amount awarded for counsel fees, the court may:

(1) order that the amount awarded be paid directly to the lawyer; and

(2) enter judgment in favor of the lawyer.

§9–101.

(a) In any custody or visitation proceeding, if the court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.

(b) Unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.

§9–101.1.

(a) In this section, "abuse" has the meaning stated in § 4-501 of this article.

(b) In a custody or visitation proceeding, the court shall consider, when deciding custody or visitation issues, evidence of abuse by a party against:

(1) the other parent of the party's child;

(2) the party's spouse; or

(3) any child residing within the party's household, including a child other than the child who is the subject of the custody or visitation proceeding.

(c) If the court finds that a party has committed abuse against the other parent of the party's child, the party's spouse, or any child residing within the party's household, the court shall make arrangements for custody or visitation that best protect:

(1) the child who is the subject of the proceeding; and

(2) the victim of the abuse.

§9–101.2.

(a) Except as provided in subsection (b) of this section, unless good cause for the award of custody or visitation is shown by clear and convincing evidence, a court may not award custody of a child or visitation with a child:

(1) to a parent who has been found by a court of this State to be guilty of first degree or second degree murder of the other parent of the child, another child of the parent, or any family member residing in the household of either parent of the child; or

(2) to a parent who has been found by a court of any state or of the United States to be guilty of a crime that, if committed in this State, would be first degree murder or second degree murder of the other parent of the child, another child of the parent, or any family member residing in the household of either parent of the child.

(b) If it is in the best interest of the child, the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.

§9–102.

An equity court may:

(1) consider a petition for reasonable visitation of a grandchild by a grandparent; and

(2) if the court finds it to be in the best interests of the child, grant visitation rights to the grandparent.

§9–103.

(a) A child who is 16 years old or older and who is subject to a custody order or decree may file a petition to change custody.

(b) A petitioner under this section may file the proceeding in the petitioner's own name and need not proceed by guardian or next friend.

(c) Notwithstanding any other provision of this article, if a petitioner under this section petitions a court to amend a custody order or decree, the court:

(1) shall hold a hearing; and

(2) may amend the order or decree and place the child in the custody of the parent designated by the child.

§9–104.

Unless otherwise ordered by a court, access to medical, dental, and educational records concerning the child may not be denied to a parent because the parent does not have physical custody of the child.

§9–105.

In any custody or visitation proceeding, if the court determines that a party to a custody or visitation order has unjustifiably denied or interfered with visitation granted by a custody or visitation order, the court may, in addition to any other remedy available to the court and in a manner consistent with the best interests of the child, take any or all of the following actions:

(1) order that the visitation be rescheduled;

(2) modify the custody or visitation order to require additional terms or conditions designed to ensure future compliance with the order; or

(3) assess costs or counsel fees against the party who has unjustifiably denied or interfered with visitation rights.

§9–106.

(a) (1) Except as provided in subsection (b) of this section, in any custody or visitation proceeding the court may include as a condition of a custody or visitation order a requirement that either party provide advance written notice of at least 90 days to the court, the other party, or both, of the intent to relocate the permanent residence of the party or the child either within or outside the State.

(2) The court may prescribe the form and content of the notice requirement.

(3) If the court orders that notice be given to the other party, a mailing of the notice by certified mail, return receipt requested, to the last known address of the other party shall be deemed sufficient to comply with the notice requirement.

(4) If either party files a petition regarding a proposed relocation within 20 days of the written notice of the relocation required by paragraph (1) of this subsection, the court shall set a hearing on the petition on an expedited basis.

(b) On a showing that notice would expose the child or either party to abuse as defined in § 4–501 of this article or for any other good cause the court shall waive the notice required by this section.

(c) If either party is required to relocate in less than the 90–day period specified in the notice requirement, the court may consider as a defense to any action brought for a violation of the notice requirement that:

(1) relocation was necessary due to financial or other extenuating circumstances; and

(2) the required notice was given within a reasonable time after learning of the necessity to relocate.

(d) The court may consider any violation of the notice requirement as a factor in determining the merits of any subsequent proceeding involving custody or visitation.

§9–107.

(a) (1) In this section, "disability" means:

(i) a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy;

(ii) a mental impairment or deficiency;

(iii) a record of having a physical or mental impairment as defined under this subsection; or

(iv) being regarded as having a physical or mental impairment as defined under this subsection.

(2) "Disability" includes:

(i) any degree of paralysis or amputation;

(ii) blindness or visual impairment;

(iii) deafness or hearing impairment;

(iv) muteness or speech impediment;

(v) physical reliance on a service animal or a wheelchair or other remedial appliance or device; and

(vi) intellectual disability, as defined in § 7–101 of the Health – General Article, and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(b) In any custody or visitation proceeding, a disability of a party is relevant only to the extent that the court finds, based on evidence in the record, that the disability affects the best interest of the child.

§9–108.

(a) In this section:

(1) "deployment" means compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other Reserve component to report for combat operations or other active service for which the member is required to report unaccompanied by any family member or that is classified by the member's branch as remote; and

(2) "deployment" does not include National Guard or Reserve annual training, inactive duty days, or drill weekends.

(b) Any order or modification of an existing child custody or visitation order issued by a court during a term of a deployment of a parent shall specifically reference the deployment of the parent.

(c) (1) A parent who petitions the court for an order or modification of an existing child custody or visitation order after returning from a deployment shall specifically reference the date of the end of the deployment in the petition.

(2) (i) If the petition under paragraph (1) of this subsection is filed within 30 days after the end of the deployment of the parent, the court shall set a hearing on the petition on an expedited basis.

(ii) If the court finds that extenuating circumstances prohibited the filing of the petition within 30 days after the end of the deployment of the parent, the court may set a hearing on the petition on an expedited basis whenever the petition is filed.

(d) Any custody or visitation order issued based on the deployment of a parent shall require that:

(1) the other parent reasonably accommodate the leave schedule of the parent who is subject to the deployment;

(2) the other parent facilitate opportunities for telephone and electronic

mail contact between the parent who is subject to the deployment and the child during the period of deployment; and

(3) the parent who is subject to the deployment provide timely information regarding the parent's leave schedule to the other parent.

§9–301.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Lawful custodian" means a person who is authorized to have custody of and exercise control over a child who is under the age of 16 years.

(2) "Lawful custodian" includes a person who is authorized to have custody by an order of a court of competent jurisdiction in this State or any other state.

(c) "Relative" means:

(1) a parent;

(2) a grandparent or other ancestor;

(3) a brother;

(4) a sister;

(5) an aunt;

(6) an uncle; or

(7) an individual who was a lawful custodian before the commission of an act that violates § 9-304 or § 9-305 of this subtitle.

§9–302.

(a) An equity court has jurisdiction over custody and visitation of a child who is removed from this State by a parent of the child, if:

(1) the parents are separated or divorced and this State was:

(i) the marital domicile of the parents; or

(ii) the domicile in which the marriage contract was last performed;

(2) 1 of the parents was a resident of this State when the child was removed and that parent continues to reside in this State; and

(3) the court obtains personal jurisdiction over the parent who removes the child.

(b) This section does not affect any other basis of an equity court's jurisdiction over custody and visitation of a child.

§9–303.

(a) This section applies if there is a conflict between a custody order of a court of this State and a custody order of a court of another state.

(b) Except as provided in subsection (c) of this section, a custody order of a court of this State prevails over a custody order of a court of another state.

(c) A custody order of a court of another state prevails over a custody order of a court of this State if the court in the other state passed its custody order:

(1) after the custody order was passed by a court of this State; and

(2) in proceedings in which the lawful custodian under the custody order of a court of this State:

(i) consented to the custody order passed by the court of the other state; or

(ii) participated personally as a party.

§9–304.

If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not, with the intent to deprive the lawful custodian of the custody of the child:

(1) abduct, take, or carry away the child from the lawful custodian to a place within this State;

(2) having acquired lawful possession of the child, detain the child within this State for more than 48 hours after the lawful custodian demands that the child be returned;

(3) harbor or hide the child within this State, knowing that possession of the child was obtained by another relative in violation of this section; or

(4) act as an accessory to an act prohibited by this section.

§9–305.

(a) If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not, with the intent to deprive the lawful custodian of the custody of the child:

(1) abduct, take, or carry away the child from the lawful custodian to a

place in another state;

(2) having acquired lawful possession of the child, detain the child in another state for more than 48 hours after the lawful custodian demands that the child be returned;

(3) harbor or hide the child in another state knowing that possession of the child was obtained by another relative in violation of this section; or

(4) act as an accessory to an act prohibited by this section.

(b) If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not, with the intent to deprive the lawful custodian of the custody of the child:

(1) abduct, take, or carry away the child from the lawful custodian to a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico;

(2) having acquired lawful possession of the child, detain the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico for more than 48 hours after the lawful custodian demands that the child be returned;

(3) harbor or hide the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico knowing that possession of the child was obtained by another relative in violation of this section; or

(4) act as an accessory to an act prohibited by this section.

§9–306.

(a) If an individual violates the provisions of § 9-304 or § 9-305 of this subtitle, the individual may file in an equity court a petition that:

(1) states that, at the time the act was done, a failure to do the act would have resulted in a clear and present danger to the health, safety, or welfare of the child; and

(2) seeks to revise, amend, or clarify the custody order.

(b) If a petition is filed as provided in subsection (a) of this section within 96 hours of the act, a finding by the court that, at the time the act was done, a failure to do the act would have resulted in a clear and present danger to the health, safety, or welfare of the child is a complete defense to any action brought for a violation of § 9-304 or § 9-305 of this subtitle.

§9–307.

(a) A person who violates any provision of § 9–304 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $250 or imprisonment not exceeding 30 days.

(b) If the child is out of the custody of the lawful custodian for not more than 30 days, a person who violates any provision of § 9–305(a) of this subtitle is guilty of a felony and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year, or both.

(c) If the child is out of the custody of the lawful custodian for more than 30 days, a person who violates any provision of § 9–305(a) of this subtitle is guilty of a felony and on conviction is subject to a fine not exceeding $2,500 or imprisonment not exceeding 3 years, or both.

(d) A person who violates any provision of § 9–305(b) of this subtitle is guilty of a felony and on conviction is subject to a fine not exceeding $5,000 or imprisonment not exceeding 5 years or both.

§9–401.

(a) In this subtitle the following words have the meanings indicated.

(b) "Law enforcement agency" means a State, county, or municipal police department or agency, or a sheriff's department.

(c) "Missing child" means a person who is:

(1) under the age of 18 years; and

(2) the subject of a missing persons report filed with a law enforcement agency in this State and whose whereabouts are unknown.

§9–402.

(a) On receipt of a report regarding a missing child by a law enforcement agency, the law enforcement agency shall immediately determine if:

(1) the missing child has not been the subject of a prior missing persons report;

(2) the missing child suffers from a mental or physical handicap or illness;

(3) the disappearance of the missing child is of a suspicious or dangerous nature;

(4) the person filing the report of a missing child has reason to believe that the missing child may have been abducted;

(5) the missing child has ever previously been the subject of a child abuse report filed with the State or local law enforcement agency; or

(6) the missing child is under 17 years of age.

(b) Upon conclusion by the law enforcement agency that any one of the conditions specified in subsection (a) of this section exists, the law enforcement agency shall immediately:

(1) enter all necessary and available information into the Maryland Interagency Law Enforcement System (MILES) and the National Crime Information Center (NCIC) computer networks;

(2) institute appropriate intensive search procedures, including the coordination of volunteer search teams;

(3) notify the National Center for Missing and Exploited Children and forward to the State Clearinghouse for Missing Children a copy of the missing persons report involving the missing child;

(4) notify the appropriate local department and, to the extent possible, obtain any information that may assist in the locating of the missing child; and

(5) enlist the aid of the Department of State Police, when appropriate, in locating the missing child.

(c) If the conditions specified in subsection (a) of this section do not exist, the law enforcement agency shall:

(1) immediately seek to determine the circumstances surrounding the disappearance of the missing child; and

(2) implement the procedures set forth in subsection (b) of this section within 12 hours of the filing of a report regarding a missing child, if the missing child has not been located.

(d) Notwithstanding any provision of law to the contrary, if a missing child has not been located within 24 hours of the filing of a missing persons report and either the local law enforcement agency or the Department of State Police have reason to believe that the missing child may be located in a jurisdiction other than the jurisdiction where the missing persons report was filed, the Department of State Police shall enter the investigation and, in cooperation with the appropriate local law enforcement agencies, assist State and national efforts to locate the missing child.

(e) (1) A law enforcement agency may not establish a mandatory waiting period before beginning an investigation to locate a missing child.

(2) A law enforcement agency may not adopt rules, regulations, or policies

that prohibit or discourage the filing of a report or the taking of any action on a report that a child is a missing child or that a child is believed to be a missing child.

(f) Every person filing a report of a missing child shall be required to notify the local law enforcement agency and the Department of State Police immediately upon the locating of the missing child if it is unlikely that the local law enforcement agency or the Department of State Police have knowledge that the missing child has been located.

§9–403.

(a) There is a State Clearinghouse for Missing Children operated by the Department of State Police that is responsible for:

(1) the receipt, collection, and distribution of general information and annual statistics regarding missing children; and

(2) coordination of law enforcement agencies and other interested persons or groups within and outside the State regarding information on children who have disappeared from, or are thought to be located in, Maryland.

(b) For children who have disappeared from or are thought to be located in the State, the State Clearinghouse for Missing Children:

(1) shall publish:

(i) the names of and relevant available information on missing children; and

(ii) annual statistics regarding missing children; and

(2) may establish and maintain a list of organizations and groups that provide volunteer search teams or resources relating to missing children.

(c) The Secretary of State Police may develop, in cooperation with local law enforcement agencies, a plan for voluntary fingerprinting programs for children.

(d) (1) An advisory council shall be appointed having the following responsibilities:

(i) review of the activities of the State Clearinghouse;

(ii) review of the training provided for, and investigatory procedures used by, law enforcement personnel in the locating of missing children;

(iii) examine possible methods for identifying missing children prior to enrollment in a public or nonpublic school; and

(iv) explore the feasibility and effectiveness of utilizing the Federal Parent Locator Service in locating missing children.

(2) The advisory council shall consist of the following members:

(i) 1 person from the Department of Juvenile Services, to be designated by the Secretary of Juvenile Services;

(ii) 1 person from the Maryland State Department of Education, to be designated by the State Superintendent of Schools;

(iii) 1 person from the Department of State Police, to be appointed by the Secretary of State Police;

(iv) the Special Secretary of the Office for Children, Youth, and Families, who shall serve as chairman of the advisory council;

(v) the President of the Governor's Youth Advisory Council or a designee of the President from the Council;

(vi) 1 member from the State Sheriff's Association, to be designated by the President of the Association;

(vii) 1 member from the State Chiefs of Police Association, to be designated by the President of the Association; and

(viii) 2 members from the public at–large, to be appointed by the Governor.

(e) (1) The term of council members from the public shall be 2 years.

(2) At the end of a term, a council member from the public shall continue to serve until a successor is appointed.

(3) Council members from the public may serve successive terms.

§9.5–101.

(a) In this title the following words have the meanings indicated.

(b) "Abandoned" means left without provision for reasonable and necessary care or supervision.

(c) "Child" means an individual under the age of 18 years.

(d) (1) "Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child.

(2) "Child custody determination" includes a permanent, temporary, initial, and modification order.

(3) "Child custody determination" does not include an order relating to child support or other monetary obligation of an individual.

(e) (1) "Child custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue.

(2) "Child custody proceeding" includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear.

(3) "Child custody proceeding" does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under Subtitle 3 of this title.

(f) "Commencement" means the filing of the first pleading in a proceeding.

(g) "Court" means an entity authorized under the law of a state to establish, enforce, or modify a child custody determination.

(h) "Home state" means:

(1) the state in which a child lived with a parent or a person acting as a parent for at least 6 consecutive months, including any temporary absence, immediately before the commencement of a child custody proceeding; and

(2) in the case of a child less than 6 months of age, the state in which the child lived from birth with any of the persons mentioned, including any temporary absence.

(i) "Initial determination" means the first child custody determination concerning a particular child.

(j) "Issuing court" means the court that makes a child custody determination for which enforcement is sought under this title.

(k) "Issuing state" means the state in which a child custody determination is made.

(l) "Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination.

(m) "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, government, public corporation, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(n) "Person acting as a parent" means a person, other than a parent, who:

(1) has physical custody of the child or has had physical custody for a period of 6 consecutive months, including any temporary absence, within 1 year immediately before the commencement of a child custody proceeding; and

(2) has been awarded legal custody by a court or claims a right to legal custody under the law of this State.

(o) "Physical custody" means the physical care and supervision of a child.

(p) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(q) "Tribe" means an Indian tribe or band or Alaskan Native village that is recognized by federal law or formally acknowledged by a state.

(r) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

§9.5–102.

This title does not govern a proceeding pertaining to the authorization of emergency medical care for a child.

§9.5–103.

(a) A child custody proceeding that pertains to an Indian child, as defined in the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq., is not subject to this title to the extent that it is governed by the Indian Child Welfare Act.

(b) A court of this State shall treat a tribe as if it were a state of the United States for the purpose of applying Subtitles 1 and 2 of this title.

(c) A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of this title must be recognized and enforced under Subtitle 3 of this title.

§9.5–104.

(a) A court of this State shall treat a foreign country as if it were a state of the United States for the purpose of applying Subtitles 1 and 2 of this title.

(b) Except as otherwise provided in subsection (c) of this section, a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this title must be recognized and enforced under Subtitle 3 of this title.

(c) A court of this State need not apply this title if the child custody law of a

foreign country violates fundamental principles of human rights.

§9.5–105.

(a) A child custody determination made by a court of this State that had jurisdiction under this title binds all persons who have been served in accordance with the laws of this State or notified in accordance with § 9.5-107 of this subtitle or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard.

(b) As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.

§9.5–106.

If a question of existence or exercise of jurisdiction under this title is raised in a child custody proceeding, the question, on request of a party, shall be given priority on the calendar and handled expeditiously.

§9.5–107.

(a) (1) Notice required for the exercise of jurisdiction when a person is outside this State may be given in a manner prescribed by the law of this State for service of process or by the law of the state in which the service is made.

(2) Notice shall be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

(b) Proof of service may be made in the manner prescribed by the law of this State or by the law of the state in which the service is made.

(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

§9.5–108.

(a) A party to a child custody proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a child custody determination, is not subject to personal jurisdiction in this State for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating, in the proceeding.

(b) (1) A person who is subject to personal jurisdiction in this State on a basis other than physical presence is not immune from service of process in this State.

(2) A party present in this State who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

(c) The immunity granted by subsection (a) of this section does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this title committed by an individual while present in this State.

§9.5–109.

(a) In this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(b) A court of this State may communicate with a court in another state concerning a proceeding arising under this title.

(c) (1) The court may allow the parties to participate in the communication.

(2) If the parties are not able to participate in the communication, they shall be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

(d) (1) Communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties.

(2) A record need not be made of the communication.

(e) (1) Except as otherwise provided in subsection (d) of this section and notwithstanding any other provision of law, a record shall be made of a communication under this section.

(2) The parties shall be informed promptly of the communication and granted access to the record.

§9.5–110.

(a) (1) In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in this State for testimony taken in another state.

(2) The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms on which the testimony is taken.

(b) (1) A court of this State may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state.

(2) A court of this State shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

(c) Documentary evidence transmitted from another state to a court of this State by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

§9.5–111.

(a) A court of this State may request the appropriate court of another state to:

(1) hold an evidentiary hearing;

(2) order a person to produce or give evidence in accordance with procedures of that state;

(3) order that an evaluation be made with respect to the custody of a child involved in a pending proceeding;

(4) forward to the court of this State a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; and

(5) order a party to a child custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child.

(b) On request of a court of another state, a court of this State may hold a hearing or enter an order described in subsection (a) of this section.

(c) Travel and other necessary and reasonable expenses incurred under subsections (a) and (b) of this section may be assessed against the parties according to the law of this State.

(d) (1) A court of this State shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child custody proceeding until the child attains 18 years of age.

(2) On appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of those records.

§9.5–201.

(a) Except as otherwise provided in § 9.5-204 of this subtitle, a court of this State has jurisdiction to make an initial child custody determination only if:

(1) this State is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within 6 months before the commencement of the proceeding and the child is absent from this State but a parent or person acting as a parent continues to live in this State;

(2) a court of another state does not have jurisdiction under item (1) of this

subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this State is the more appropriate forum under § 9.5-207 or § 9.5-208 of this subtitle, and:

(i) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this State other than mere physical presence; and

(ii) substantial evidence is available in this State concerning the child's care, protection, training, and personal relationships;

(3) all courts having jurisdiction under item (1) or (2) of this subsection have declined to exercise jurisdiction on the ground that a court of this State is the more appropriate forum to determine the custody of the child under § 9.5-207 or § 9.5-208 of this subtitle; or

(4) no court of any other state would have jurisdiction under the criteria specified in item (1), (2), or (3) of this subsection.

(b) Subsection (a) of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this State.

(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

§9.5–202.

(a) Except as otherwise provided in § 9.5-204 of this subtitle, a court of this State that has made a child custody determination consistent with § 9.5-201 or § 9.5-203 of this subtitle has exclusive, continuing jurisdiction over the determination until:

(1) a court of this State determines that neither the child, the child and one parent, nor the child and a person acting as a parent have a significant connection with this State and that substantial evidence is no longer available in this State concerning the child's care, protection, training, and personal relationships; or

(2) a court of this State or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in this State.

(b) A court of this State that has made a child custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under § 9.5-201 of this subtitle.

§9.5–203.

Except as otherwise provided in § 9.5-204 of this subtitle, a court of this State may

not modify a child custody determination made by a court of another state unless a court of this State has jurisdiction to make an initial determination under § 9.5-201(a)(1) or (2) of this subtitle and:

(1) the court of the other state determines it no longer has exclusive, continuing jurisdiction under § 9.5-202 of this subtitle or that a court of this State would be a more convenient forum under § 9.5-207 of this subtitle; or

(2) a court of this State or a court of the other state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other state.

§9.5–204.

(a) A court of this State has temporary emergency jurisdiction if the child is present in this State and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

(b) (1) If there is no previous child custody determination that is entitled to be enforced under this title and a child custody proceeding has not been commenced in a court of a state having jurisdiction under §§ 9.5-201 through 9.5-203 of this subtitle, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under §§ 9.5-201 through 9.5-203 of this subtitle.

(2) If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under §§ 9.5-201 through 9.5-203 of this subtitle, a child custody determination made under this section becomes a final determination if the determination so provides and this State becomes the home state of the child.

(c) (1) If there is a previous child custody determination that is entitled to be enforced under this title, or a child custody proceeding has been commenced in a court of a state having jurisdiction under §§ 9.5-201 through 9.5-203 of this subtitle, any order issued by a court of this State under this section shall specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under §§ 9.5-201 through 9.5-203 of this subtitle.

(2) The order issued in this State remains in effect until an order is obtained from the other state within the period specified or the period expires.

(d) (1) A court of this State that has been asked to make a child custody determination under this section, on being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under §§ 9.5-201 through 9.5-203 of this subtitle, shall immediately communicate with the other court.

(2) A court of this State that is exercising jurisdiction in accordance with

§§ 9.5-201 through 9.5-203 of this subtitle, on being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

§9.5–205.

(a) Before a child custody determination is made under this title, notice and an opportunity to be heard in accordance with the standards of § 9.5-107 of this title shall be given to all persons entitled to notice under the law of this State as in child custody proceedings between residents of this State, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.

(b) This title does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.

(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this title are governed by the law of this State as in child custody proceedings between residents of this State.

§9.5–206.

(a) Except as otherwise provided in § 9.5-204 of this subtitle, a court of this State may not exercise its jurisdiction under this subtitle if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in a court of another state having jurisdiction substantially in conformity with this title, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this State is a more convenient forum under § 9.5-207 of this subtitle.

(b) (1) Except as otherwise provided in § 9.5-204 of this subtitle, a court of this State, before hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties under § 9.5-209 of this subtitle.

(2) If the court determines that a child custody proceeding has been commenced in a court in another state having jurisdiction substantially in accordance with this title, the court of this State shall stay its proceeding and communicate with the court of the other state.

(3) If the court of the state having jurisdiction substantially in accordance with this title does not determine that the court of this State is a more appropriate forum, the court of this State shall dismiss the proceeding.

(c) (1) In a proceeding to modify a child custody determination, a court of this State shall determine whether a proceeding to enforce the determination has been commenced in another state.

(2) If a proceeding to enforce a child custody determination has been commenced in another state, the court may:

(i) stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;

(ii) enjoin the parties from continuing with the proceeding for enforcement; or

(iii) proceed with the modification under conditions it considers appropriate.

§9.5–207.

(a) (1) A court of this State that has jurisdiction under this title to make a child custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum.

(2) The issue of inconvenient forum may be raised upon motion of a party, the court's own motion, or request of another court.

(b) (1) Before determining whether it is an inconvenient forum, a court of this State shall consider whether it is appropriate for a court of another state to exercise jurisdiction.

(2) For the purpose under paragraph (1) of this subsection, the court shall allow the parties to submit information and shall consider all relevant factors, including:

(i) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;

(ii) the length of time the child has resided outside this State;

(iii) the distance between the court in this State and the court in the state that would assume jurisdiction;

(iv) the relative financial circumstances of the parties;

(v) any agreement of the parties as to which state should assume jurisdiction;

(vi) the nature and location of the evidence required to resolve the pending litigation, including testimony of the child;

(vii) the ability of the court of each state to decide the issue

expeditiously and the procedures necessary to present the evidence; and

(viii) the familiarity of the court of each state with the facts and issues in the pending litigation.

(c) If a court of this State determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

(d) A court of this State may decline to exercise its jurisdiction under this title if a child custody determination is incidental to an action for divorce or other proceeding while still retaining jurisdiction over the divorce or the other proceeding.

§9.5–208.

(a) Except as otherwise provided in § 9.5-204 of this subtitle or by other law of this State, if a court of this State has jurisdiction under this title because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

(1) the parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;

(2) a court of the state otherwise having jurisdiction under §§ 9.5-201 through 9.5-203 of this subtitle determines that this State is a more appropriate forum under § 9.5-207 of this subtitle; or

(3) no court of any other state would have jurisdiction under the criteria specified in §§ 9.5-201 through 9.5-203 of this subtitle.

(b) If a court of this State declines to exercise its jurisdiction under subsection (a) of this section, it may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the unjustifiable conduct, including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under §§ 9.5-201 through 9.5-203 of this subtitle.

(c) (1) If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction under subsection (a) of this section, the court shall assess against the party seeking to invoke the court's jurisdiction necessary and reasonable expenses, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate.

(2) The court may not assess fees, costs, or expenses against this State unless authorized by law other than this title.

§9.5–209.

(a) (1) In a child custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last 5 years, and the names and present addresses of the persons with whom the child has lived during that period.

(2) The pleading or affidavit must state whether the party:

(i) has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child custody determination, if any;

(ii) knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and

(iii) knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

(b) If the information required by subsection (a) of this section is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(c) (1) If the declaration as to any of the items described in subsection (a)(2)(i) through (iii) of this section is in the affirmative, the declarant shall give additional information under oath as required by the court.

(2) The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(d) Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

(e) If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of identifying information, the information shall be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child and determines that the disclosure is in the interest of justice.

§9.5–210.

(a) (1) In a child custody proceeding in this State, the court may order a party to the proceeding who is in this State to appear before the court in person with or without the child.

(2) The court may order any person who is in this State and who has physical custody or control of the child to appear in person with the child.

(b) If a party to a child custody proceeding whose presence is desired by the court is outside this State, the court may order that a notice given in accordance with § 9.5-107 of this title include a statement directing the party to appear in person with or without the child and informing the party that failure to appear may result in a decision adverse to the party.

(c) The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.

(d) If a party to a child custody proceeding who is outside this State is directed to appear under subsection (b) of this section or desires to appear personally before the court with or without the child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the child.

§9.5–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Petitioner" means a person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

(c) "Respondent" means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

§9.5–302.

Under this subtitle a court of this State may enforce an order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child custody determination.

§9.5–303.

(a) A court of this State shall recognize and enforce a child custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this title or the determination was made under factual circumstances meeting the jurisdictional standards of this title and the determination

has not been modified in accordance with this title.

(b) (1) A court of this State may utilize any remedy available under other laws of this State to enforce a child custody determination made by a court of another state.

(2) The remedies provided in this subtitle are cumulative and do not affect the availability of other remedies to enforce a child custody determination.

§9.5–304.

(a) A court of this State that does not have jurisdiction to modify a child custody determination may issue a temporary order enforcing:

(1) a visitation schedule made by a court of another state; or

(2) the visitation provisions of a child custody determination of another state that does not provide for a specific visitation schedule.

(b) (1) If a court of this State makes an order under subsection (a)(2) of this section, it shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in Subtitle 2 of this title.

(2) The order remains in effect until an order is obtained from the other court or the period expires.

§9.5–305.

(a) A child custody determination issued by a court of another state may be registered in this State, with or without a simultaneous request for enforcement, by sending to the appropriate court in this State:

(1) a letter or other document requesting registration;

(2) two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(3) except as otherwise provided in § 9.5-209 of this title, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

(b) On receipt of the documents required by subsection (a) of this section, the registering court shall:

(1) cause the determination to be filed as a foreign judgment, together with

one copy of any accompanying documents and information, regardless of their form; and

(2) serve notice upon the persons named in subsection (a)(3) of this section and provide them with an opportunity to contest the registration in accordance with this section.

(c) The notice required by subsection (b)(2) of this section shall state that:

(1) a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this State;

(2) any request for a hearing to contest the validity of the registered determination shall be made within 20 days after service of notice; and

(3) failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

(d) (1) A person seeking to contest the validity of a registered order shall request a hearing within 20 days after service of the notice.

(2) At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(i) the issuing court did not have jurisdiction under Subtitle 2 of this title;

(ii) the child custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under Subtitle 2 of this title; or

(iii) the person contesting registration was entitled to notice, but notice was not given in accordance with the standards of § 9.5-107 of this title, in the proceedings before the court that issued the order for which registration is sought.

(e) If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served shall be notified of the confirmation.

(f) Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

§9.5–306.

(a) A court of this State may grant any relief normally available under the law of this State to enforce a registered child custody determination made by a court of another state.

(b) A court of this State shall recognize and enforce, but may not modify, except in accordance with Subtitle 2 of this title, a registered child custody determination of a court of another state.

§9.5–307.

(a) If a proceeding for enforcement under this subtitle is commenced in a court of this State and the court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under Subtitle 2 of this title, the enforcing court shall immediately communicate with the modifying court.

(b) The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

§9.5–308.

(a) (1) A petition under this subtitle shall be verified.

(2) Certified copies of all orders sought to be enforced and of any order confirming registration shall be attached to the petition.

(3) A copy of a certified copy of an order may be attached instead of the original.

(b) A petition for enforcement of a child custody determination shall state:

(1) whether the court that issued the determination identified the jurisdictional basis it relied on in exercising jurisdiction and, if so, what the basis was;

(2) whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision is required to be enforced under this title and, if so, identify the court, the case number, and the nature of the proceeding;

(3) whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding;

(4) the present physical address of the child and the respondent, if known;

(5) whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought; and

(6) if the child custody determination has been registered and confirmed under § 9.5-305 of this subtitle, the date and place of registration.

(c) (1) On the filing of a petition, the court shall issue an order directing the respondent to appear in person with or without the child at a hearing and may enter any order necessary to ensure the safety of the parties and the child.

(2) (i) The hearing shall be held on the next judicial day after service of the order unless that date is impossible.

(ii) In that event, the court shall hold the hearing on the first judicial day possible.

(iii) The court may extend the date of hearing at the request of the petitioner.

(d) An order issued under subsection (c) of this section shall state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the payment of fees, costs, and expenses under § 9.5-312 of this subtitle, and may schedule a hearing to determine whether further relief is appropriate, unless the respondent appears and establishes that:

(1) the child custody determination has not been registered and confirmed under § 9.5-305 of this subtitle and that:

(i) the issuing court did not have jurisdiction under Subtitle 2 of this title;

(ii) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under Subtitle 2 of this title; or

(iii) the respondent was entitled to notice, but notice was not given in accordance with the standards of § 9.5-107 of this title, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under § 9.5-305 of this subtitle, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Subtitle 2 of this title.

§9.5–309.

Except as otherwise provided in § 9.5-311 of this subtitle, the petition and order must be served, by any method authorized by the law of this State, on the respondent and any person who has physical custody of the child.

§9.5–310.

(a) Unless the court issues a temporary emergency order in accordance with

§ 9.5-204 of this title, on a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(1) the child custody determination has not been registered and confirmed under § 9.5-305 of this subtitle and that:

(i) the issuing court did not have jurisdiction under Subtitle 2 of this title;

(ii) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Subtitle 2 of this title; or

(iii) the respondent was entitled to notice, but notice was not given in accordance with the standards of § 9.5-107 of this title, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under § 9.5-305 of this subtitle but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Subtitle 2 of this title.

(b) The court shall award the fees, costs, and expenses authorized under § 9.5-312 of this subtitle and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine whether additional relief is appropriate.

(c) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(d) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this subtitle.

§9.5–311.

(a) On the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is immediately likely to suffer serious physical harm or be removed from this State.

(b) (1) If the court, on the testimony of the petitioner or other witness, finds that the child is imminently likely to suffer serious physical harm or be removed from this State, it may issue a warrant to take physical custody of the child.

(2) (i) The petition shall be heard on the next judicial day after the warrant is executed unless that date is impossible.

(ii) In that event, the court shall hold the hearing on the first judicial day possible.

(3) The application for the warrant shall include the statements required by § 9.5-308(b) of this subtitle.

(c) A warrant to take physical custody of a child shall:

(1) recite the facts on which a conclusion of imminent serious physical harm or removal from the jurisdiction is based;

(2) direct law enforcement officers to take physical custody of the child immediately; and

(3) provide for the placement of the child pending final relief.

(d) The respondent shall be served with the petition, warrant, and order immediately after the child is taken into physical custody.

(e) (1) A warrant to take physical custody of a child is enforceable throughout this State.

(2) If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, the court may authorize law enforcement officers to enter private property to take physical custody of the child.

(3) If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

(f) The court may impose conditions on placement of a child to ensure the appearance of the child and the child's custodian.

§9.5–312.

(a) The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care expenses during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.

(b) The court may not assess fees, costs, or expenses against a state unless authorized by law other than this title.

§9.5–313.

A court of this State shall accord full faith and credit to an order issued by another state and consistent with this title that enforces a child custody determination by a

court of another state unless the order has been vacated, stayed, or modified by a court having jurisdiction to do so under Subtitle 2 of this title.

§9.5–314.

(a) An appeal may be taken from a final order in a proceeding under this subtitle in accordance with expedited appellate procedures in other civil cases.

(b) Unless the court enters a temporary emergency order under § 9.5-204 of this title, the enforcing court may not stay an order enforcing a child custody determination pending appeal.

§9.5–315.

(a) In a case arising under this title or involving the Hague Convention on the Civil Aspects of International Child Abduction, the Attorney General may take any lawful action, including resort to a proceeding under this subtitle or any other available civil proceeding to locate a child, obtain the return of a child, or enforce a child custody determination if there is:

(1) an existing child custody determination;

(2) a request to do so from a court in a pending child custody proceeding;

(3) a reasonable belief that a criminal statute has been violated; or

(4) a reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

(b) The Attorney General acting under this section on behalf of the court may not represent any party.

§9.5–316.

At the request of the Attorney General acting under § 9.5-315 of this subtitle, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist the Attorney General with responsibilities under § 9.5-315 of this subtitle.

§9.5–317.

If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the Attorney General and law enforcement officers under § 9.5-315 or § 9.5-316 of this subtitle.

§9.5–318.

This title may be cited as the Uniform Child Custody Jurisdiction and

Enforcement Act.

§10–101.

(a) In this title the following words have the meanings indicated.

(b) "Administration" means the Child Support Enforcement Administration of the Department of Human Resources.

(c) "Earnings" includes:

(1) any form of periodic payment to an individual, including:

(i) an annuity;

(ii) a pension;

(iii) Social Security payments;

(iv) workers' compensation payments; and

(v) unemployment insurance benefits; and

(2) any commissions or fees paid in connection with the obligor's employment.

(d) (1) "Employer" means any person who is paying earnings to an obligor.

(2) "Employer" includes a governmental entity.

(e) "Local support enforcement office" means 1 of the following that is responsible for support enforcement:

(1) a county agency; or

(2) a component of the circuit court for a county.

(f) (1) "Obligee" means any person who is entitled to receive support.

(2) "Obligee" includes a state.

(g) "Obligor" means an individual who is required to pay support under a court order.

(h) "Support" includes:

(1) child support;

(2) spousal support;

(3) support of destitute adult children; and

(4) support of destitute parents.

(i) "Support enforcement agency" means 1 of the following that receives support payments under a court order:

(1) the Administration; or

(2) a local support enforcement office.

§10–102.

A contempt proceeding for failure to make a payment of child or spousal support under a court order shall be brought within 3 years of the date that the payment of support became due.

§10–103.

This subtitle does not limit the authority of a State's Attorney, the Administration, or a local support enforcement office to use any other civil or criminal remedy to enforce a child or spousal support order.

§10–106.

There is a Child Support Enforcement Administration in the Department of Human Resources.

§10–106.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Fund" means the Child Support Reinvestment Fund.

(3) "Federal performance incentive payments" means federal funds paid to the Department of Human Resources as provided under Title IV-D of the federal Social Security Act.

(b) There is established a Child Support Reinvestment Fund within the Administration.

(c) (1) The Fund is a special, nonlapsing fund that shall consist of all of the federal performance incentive payments received by the Department of Human Resources in a fiscal year.

(2) The Fund is not subject to § 7-302 of the State Finance and Procurement Article.

(d) (1) The State Treasurer shall hold and the State Comptroller shall account

for the Fund.

(2) The proceeds of the Fund shall be invested and reinvested.

(3) Any investment earnings shall be paid into the Fund.

(e) Money in the Fund, including any money that is distributed from the Fund to a county under § 10-116(b) of this subtitle, and any federal funds leveraged with money from the Fund shall only be expended by the Administration or by a county for activities that may contribute to the efficiency and effectiveness of the statewide child support enforcement program established under this subtitle, including:

(1) privatizing and outsourcing of child support enforcement services;

(2) improving automation capabilities;

(3) creating public awareness projects;

(4) developing programs and special projects;

(5) establishing a performance incentive program to provide incentives for employees;

(6) assisting in staff development and training; and

(7) establishing community outreach programs and activities.

(f) Moneys from the Fund shall supplement and may not be used to supplant the budget of the Administration, a county, or a local support enforcement office.

(g) Expenditures from the Fund may only be made:

(1) pursuant to an appropriation approved by the General Assembly in the annual State budget; or

(2) by the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article.

§10–107.

The Administration exercises its authority, duties, and functions under any law of this State subject to the authority of the Secretary of Human Resources under any law of this State.

§10–108.

(a) The Administration shall:

(1) coordinate a statewide program for support enforcement;

(2) maintain a central registry of records on absent parents as required under § 12–105 of this article;

(3) locate absent parents;

(4) determine the ability of an absent parent to pay child support;

(5) accept assignment of right, title, or interest in child support made under § 5–312(b)(2) of the Human Services Article;

(6) in any case in which an assignment is made under § 5–312(b)(2) of the Human Services Article, prosecute and maintain any legal or equitable action available to establish each absent parent's obligation to pay child support;

(7) cooperate with other states in establishing and enforcing child support obligations;

(8) collect and disburse support payments through the State disbursement unit established under § 10–108.7 of this subtitle; and

(9) use established legal processes to enforce court orders to pay support.

(b) Except in a county that has a local support enforcement office, the Administration is the agency that is responsible for support enforcement in all cases where a court orders an obligor to make support payments to a public agency:

(1) as the payee; or

(2) as collection agent for the payee.

(c) (1) In this subsection, "notice of arrearage" means a written notice provided by the Administration:

(i) to an obligor who is in arrears in making child support payments; and

(ii) relating to the arrearage.

(2) If the Administration sends a notice of arrearage within the first 120 days that the obligor is in arrears in making child support payments, the Administration shall include notice that continued arrearage may result in revocation or denial of a license under § 10-119.3 of this subtitle.

§10–108.1.

(a) In this section, "consumer reporting agency" means any person or entity that, for monetary fees or dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer credit reports

to third parties.

(b) (1) If a child support obligation owed by an obligor and enforced by the Administration or a local support enforcement office becomes 60 days or more in arrears, the Administration shall make available, upon request in a format acceptable to the consumer reporting agency and the Administration, information regarding the arrears to all consumer reporting agencies that operate in the State.

(2) The Administration shall:

(i) designate one or more persons to receive and process requests from the consumer reporting agencies regarding the reverification of information; and

(ii) respond to requests made by the consumer reporting agencies in a timely manner.

(c) (1) Before supplying any information to a consumer reporting agency under this section, the Administration shall:

(i) send written notice of the proposed action to the obligor including the obligor's right to contest the accuracy of the reported arrearage; and

(ii) give the obligor a reasonable opportunity to contest the accuracy of the information.

(2) The obligor may appeal a decision of the Administration to provide the information regarding arrears to consumer reporting agencies in accordance with Title 10 of the State Government Article.

(d) The Secretary of Human Resources shall adopt rules and regulations to implement the provisions of this section.

(e) (1) Except as provided in paragraph (2) of this subsection, a consumer reporting agency that receives information regarding child support arrears under this section shall comply with the provisions of Title 14, Subtitle 12 of the Commercial Law Article.

(2) If the Administration finds that it has supplied erroneous information concerning arrears owed by an obligor to a consumer reporting agency:

(i) the Administration shall notify the consumer reporting agency; and

(ii) the consumer reporting agency shall remove any information concerning the erroneous arrears from the obligor's credit file.

§10–108.2.

(a) (1) Except as otherwise provided in this subtitle, in this section and in §§ 10-108.3 and 10-108.4 of this subtitle, the following words have the meanings indicated.

(2) (i) "Account" means:

1. any funds from a demand deposit account, checking account, negotiable order of withdrawal account, savings account, time deposit account, money market mutual fund account, or certificate of deposit account;

2. any funds paid towards the purchase of shares or other interest in a financial institution, as defined in paragraph (4)(ii) and (iii) of this subsection; and

3. any funds or property held by a financial institution, as defined in paragraph (4)(iv) of this subsection.

(ii) "Account" does not include:

1. an account or portion of an account to which an obligor does not have access due to the pledge of the funds as security for a loan or other obligation;

2. funds or property deposited to an account after the time that the financial institution initially attaches the account;

3. an account or portion of an account to which the financial institution has a present right to exercise a right of setoff;

4. an account or portion of an account that has an account holder of interest named as an owner on the account; or

5. an account or portion of an account to which the obligor does not have an unconditional right of access.

(3) "Account holder of interest" means any person, other than the obligor, who asserts an ownership interest in an account.

(4) "Financial institution" means:

(i) a depository institution, as defined in the Federal Deposit Insurance Act at 12 U.S.C. § 1813(c);

(ii) an institution-affiliated party, as defined in the Federal Deposit Insurance Act at 12 U.S.C. § 1813(u);

(iii) a federal or state credit union, as defined in the Federal Credit Union Act at 12 U.S.C. § 1752;

(iv) a State credit union regulated under Title 6 of the Financial Institutions Article;

(v) an institution-affiliated party, as defined in the Federal Credit Union Act at 12 U.S.C. § 1786(r); or

(vi) a benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity doing business in the State that holds property or maintains accounts reflecting property belonging to others.

(b) For purposes of subsection (a)(4)(v) of this section, any reference to "insured credit union" at 12 U.S.C. § 1786(r) shall be construed to include a credit union insured in accordance with § 6-701(a)(2) of the Financial Institutions Article.

(c) To carry out the purposes of this section, the Administration may request from any financial institution information and assistance to enable the Administration to enforce the liability of a parent to support a child of the parent.

(d) (1) The Administration may request not more than four times a year from a financial institution the information set forth in subsection (e)(2) of this section concerning any obligor in arrears in paying child support through a support enforcement agency.

(2) A request for information by the Administration under paragraph (1) of this subsection shall:

(i) contain:

1. the full name of the obligor and any other names known to be used by the obligor; and

2. the Social Security number or other taxpayer identification number of the obligor; and

(ii) be transmitted to the financial institution in an electronic format unless the financial institution specifically asks the Administration to submit the request in writing.

(e) (1) Within 30 days after a financial institution receives a request for information under subsection (d) of this section, the financial institution shall:

(i) notify the Administration that the financial institution submits reports indirectly through the Federal Parent Locator Service under 42 U.S.C. § 666(a)(17); or

(ii) with respect to each obligor whose name the Administration submitted to the financial institution and who maintains an account with the financial institution, submit a report to the Administration.

(2) The report described in paragraph (1)(ii) of this subsection shall contain, to the extent reflected in the records of the financial institution:

(i) the full name of the obligor;

(ii) the address of the obligor;

(iii) the Social Security number or other taxpayer identification number of the obligor;

(iv) any other identifying information needed to assure positive identification of the obligor; and

(v) for each account of the obligor, the obligor's account number and balance.

(3) A report submitted under paragraph (1)(ii) of this subsection shall be provided to the Administration in machine readable form.

(4) The Administration shall pay the financial institution a reasonable fee, not to exceed the actual costs incurred by the financial institution to comply with the requirements of this section and § 10-108.3 of this subtitle including costs for:

(i) compiling and providing reports to the Administration;

(ii) compiling and providing reports through the Federal Parent Locator Service, but in such a case the actual costs of the financial institution shall be based on a percentage of the financial institution's total actual cost, which percentage shall be determined by dividing the total number of accounts maintained by the financial institution in Maryland by the total number of accounts maintained by the financial institution for all jurisdictions included in the report; and

(iii) necessary upgrades to existing computer, software, or other data compilation systems that are directly related to compliance with the requirements of this section and § 10-108.3 of this subtitle.

(5) The Administration may institute civil proceedings to enforce this section.

(f) A financial institution that complies with a request from the Administration by notifying the Administration or submitting a report to the Administration in accordance with subsection (e) of this section is not liable under State law to any person for any:

(1) disclosure of information to the Administration under this section; or

(2) other action taken in good faith to comply with the requirements of this section.

(g) An institution-affiliated party, as defined in subsection (a)(4)(ii) and (v) of this section, is not required to provide information and assistance under this section if the financial institution with which the party is affiliated has otherwise provided the required information or assistance.

§10–108.3.

(a) (1) In this section and in § 10-108.4 of this subtitle, "financial institution" means:

(i) a depository institution, as defined in the Federal Deposit Insurance Act at 12 U.S.C. § 1813(c);

(ii) a federal or state credit union, as defined in the Federal Credit Union Act at 12 U.S.C. § 1752;

(iii) a State credit union regulated under Title 6 of the Financial Institutions Article; or

(iv) a benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity doing business in the State that holds property or maintains accounts reflecting property belonging to others.

(2) In this section and in § 10-108.4 of this subtitle, "financial institution" does not include an institution-affiliated party, as defined in § 10-108.2(a)(4)(ii) and (v) of this subtitle.

(b) (1) If an obligor identified in a report submitted under § 10-108.2 of this subtitle or in a report made to the Federal Parent Locator Service under 42 U.S.C. § 666(a)(17) is $500 or more in arrears of a child support obligation and has not paid child support for more than 60 days, the Administration may institute an action to attach and seize the amount of the arrearage in one or more of the accounts of the obligor with a financial institution to satisfy the amount of arrearage owed by the obligor.

(2) Before attaching and seizing the obligor's accounts, the Administration shall send a notice to the obligor at the obligor's last known address advising the obligor of the enforcement actions that may be taken, including that the obligor's accounts may be subject to garnishment for payment of a child support arrearage.

(c) (1) If the Administration institutes an action against an obligor under subsection (b) of this section, the Administration shall send a notice to the financial institution in which one or more of the obligor's accounts are located, by certified mail, return receipt requested, or by other method acceptable to the financial institution, at the address designated for this purpose by the financial institution or, if no address has been designated, to the principal office of the financial institution.

(2) The notice shall contain the following information, to the extent known by the Administration:

(i) the address of the Administration;

(ii) the telephone number, address, and name of a contact person at the Administration;

(iii) the name and Social Security number or other taxpayer identification number of the obligor;

(iv) the address of the obligor;

(v) for each account of the obligor, the obligor's account number and known balance with the financial institution;

(vi) the amount of arrearage that the financial institution shall seize and attach from one or more of the accounts of the obligor; and

(vii) a statement instructing the financial institution to immediately attach and seize the amount of arrearage stated in item (vi) of this paragraph from one or more of the accounts of the obligor and, upon subsequent notice by the Administration, to forward the amount to the Administration.

(d) (1) On receipt of the notice under subsection (c) of this section, the financial institution shall promptly seize and attach from one or more of the accounts identified in the Administration's notice to the financial institution an aggregate amount equal to the lesser of the amounts in all accounts or the amount stated in the notice.

(2) Not later than 30 days after the financial institution receives the notice directing it to seize and attach accounts of the obligor, the financial institution shall send notice to the Administration by regular mail specifying the aggregate amount held under this subsection.

(3) If an account that has been seized and attached is maintained by the obligor with one or more account holders of interest as reflected on the records of the financial institution, the financial institution's notice to the Administration shall state that fact and shall provide, to the extent reflected in the financial institution's records, the name and address of the other person or persons.

(4) (i) The financial institution may assess a fee against the accounts or the obligor, in addition to the amount identified in the notice under subsection (c) of this section.

(ii) In the case of insufficient funds to cover both the fee and the amount identified in the notice under subsection (c) of this section, the financial institution may first deduct and retain the fee from the amount seized and attached as provided in this section.

(5) The financial institution may not be held liable to any person, including

the Administration, the obligor, or any person named on the account, for wrongful dishonor or for any other claim relating to the seizure and attachment of the account or other actions taken in compliance with this section.

(e) (1) Within 2 days after the Administration has received the return receipt from the notice sent to the financial institution under subsection (c) of this section, the Administration shall promptly send a notice to the obligor, by regular mail, to the obligor's last known address, or if the home address is not known, to the place of last known employment.

(2) The notice shall contain the following information, to the extent known by the Administration:

(i) the address of the Administration;

(ii) the telephone number, address, and name of a contact person at the Administration;

(iii) the name and Social Security number or other taxpayer identification number of the obligor;

(iv) the address of the obligor;

(v) for each account of the obligor, the obligor's account number and known balances with the financial institution;

(vi) the total amount of the arrearage owed by the obligor;

(vii) the date the notice is being sent;

(viii) a statement informing the obligor that the Administration has directed the financial institution to seize and attach the amount of the arrearage owed by the obligor from one or more of the accounts of the obligor and, upon subsequent notice by the Administration, to forward the amount to the Administration; and

(ix) a statement informing the obligor that, unless a timely challenge is made to the Administration by the obligor or an account holder of interest under subsection (h) of this section, the Administration shall notify the financial institution to forward the amount seized and attached by the financial institution to the Administration.

(f) If a timely challenge is not made by the obligor or an account holder of interest under subsection (h) of this section, the Administration shall send a notice to the financial institution, in the manner specified in subsection (c) of this section, directing the institution to forward the amount seized and attached by the financial institution to the Administration.

(g) The Administration shall apply the amount seized and forwarded by the

financial institution to the obligor's child support arrears. If the obligor has more than one child support case with arrears, the Administration shall allocate the amount received among one or more of the obligor's cases, as determined appropriate by the Administration.

(h) (1) An obligor or an account holder of interest may challenge the actions of the Administration under this section by:

(i) filing a request for an investigation with the Administration; or

(ii) filing a motion with the circuit court.

(2) A challenge under paragraph (1)(i) of this subsection shall:

(i) be in writing;

(ii) be received by the Administration within 30 days from the date of the notice under subsection (e) of this section;

(iii) be sent to the contact person identified in the notice sent to the obligor under subsection (e) of this section; and

(iv) specify, in detail, the reasons for the challenge.

(3) An obligor or account holder of interest may not challenge the actions of the Administration on issues related to visitation, custody, or other matters not related to an account.

(4) An obligor or an account holder of interest may challenge the actions of the Administration based on an exemption in § 11-504 or § 11-603 of the Courts Article or for any other good cause.

(i) (1) Upon receipt of a challenge under subsection (h) of this section, the Administration shall review the challenge in accordance with this subsection.

(2) The Administration shall release or reduce the amount seized and attached by the financial institution for a mistake of fact, including:

(i) a mistake in the identity of the obligor;

(ii) a mistake in the ownership of an account;

(iii) a mistake in the contents of an account;

(iv) a mistake in the amount of arrearage due; or

(v) any other good cause.

(3) The Administration shall release or reduce the amount seized and

attached by the financial institution if the account is exempt under § 11-504 or § 11-603 of the Courts Article or for any other good cause.

(4) The Administration shall send a notice to the financial institution, in the manner specified in subsection (c) of this section, directing the financial institution to release the amount seized and attached by the financial institution if the Administration determines that a mistake of fact has occurred, the account is exempt under § 11-504 or § 11-603 of the Courts Article, or other good cause exists.

(5) The Administration shall send a notice to the financial institution, in the manner specified in subsection (c) of this section, directing the financial institution to reduce the amount seized and attached to the revised amount stated and to release the excess amount if the Administration determines that:

(i) the amount owed by the obligor is less than the amount originally indicated on the notice under subsection (b) of this section;

(ii) the obligor does not have an ownership interest in one or more of the accounts seized and attached or a portion thereof; or

(iii) the account or a portion of the account is exempt under § 11-504 or § 11-603 of the Courts Article or other good cause exists.

(j) (1) The Administration shall send by regular mail a notice of its findings, including a finding of no mistake of fact, to the obligor and any other challenging party.

(2) The notice shall inform the obligor or the challenging party of the right to appeal the decision of the Administration to the Office of Administrative Hearings or to the circuit court.

(k) If no timely appeal is filed, the Administration shall send a notice to the financial institution, in the manner specified in subsection (c) of this section, directing the financial institution to forward the amount specified in the notice, including any revised amount under subsection (i)(5) of this section, to the Administration.

(l) (1) An appeal to the Office of Administrative Hearings authorized under subsection (j) of this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(2) An appeal to the Office of Administrative Hearings shall be:

(i) in writing; and

(ii) received by the Office of Administrative Hearings within 30 days after the notice is sent to the obligor or other challenging party under subsection (j) of this section.

(m) After the completion of an appeal to the Office of Administrative Hearings

authorized under subsection (j) of this section, the Administration shall:

(1) send a notice to the financial institution, in the manner specified in subsection (c) of this section, directing the financial institution to release the amount seized and attached by the financial institution if the Office of Administrative Hearings finds that:

(i) there is a mistake of identity;

(ii) the obligor does not have an ownership interest in the contents of any account held; or

(iii) there is no arrearage;

(2) send a notice to the financial institution, in the manner specified in subsection (c) of this section, directing the financial institution to release the attachment on any amount in excess of the revised amount stated and that the revised amount stated be forwarded to the Administration if the Office of Administrative Hearings finds that:

(i) the obligor is delinquent, but the amount of the arrearage is less than the amount indicated in the notice under subsection (c) of this section or in a subsequent notice under subsection (i)(5) of this section; or

(ii) the obligor does not have ownership interest in one or more of the accounts seized and attached or a portion of the accounts; or

(3) send a notice to the financial institution, in the manner specified in subsection (c) of this section, directing the financial institution to transfer the amounts seized and attached to the Administration if the Office of Administrative Hearings upholds the determination of the Administration.

(n) (1) A challenging party may withdraw an administrative challenge or appeal by submitting a notice of the withdrawal to the person identified as the contact person for the Administration in the notice under subsection (e) of this section, or to the Office of Administrative Hearings.

(2) The Administration may withdraw the notice to attach accounts by sending notice to the financial institution, in the manner specified in subsection (c) of this section, directing the financial institution to release the attachment on the account.

(o) If a determination is made by the Administration or by the Office of Administrative Hearings that the account or accounts of the obligor should not have been held, the Administration shall notify the financial institution, in the manner specified in subsection (c) of this section, to release the amount seized and attached by the financial institution.

(p) (1) A financial institution that complies with a request or notice from the

Administration made under this section is not liable under State law to any person for:

(i) any disclosure of information to the Administration under this section;

(ii) seizing and attaching any amounts from an account, sending any amount seized and attached by the financial institution to the Administration, or releasing all or a part of the amount seized and attached by the financial institution; or

(iii) any other action taken in good faith to comply with the requirements of this section.

(2) An institution-affiliated party, as defined in § 10-108.2(a)(4)(ii) and (v) of this subtitle, is immune from any civil liability or criminal penalty for any action taken under this section.

(q) (1) Notwithstanding any other statutory provisions or rules of court that provide for the execution, attachment, garnishment, or levy against an account, and subject to paragraph (2) of this subsection, the Administration may utilize the procedures established in this section exclusively to collect delinquent child support.

(2) This section may not be construed to prohibit the Administration from collecting delinquent child support in any other manner authorized by law.

§10–108.4.

(a) If the Administration institutes an action under § 10-108.3(b) of this subtitle and no obligor has any ownership interest in a seized account at the time the Administration institutes the action, the Administration shall reimburse the account holders of interest for fees incurred as a result of instituting the action, including:

(1) fees assessed by the financial institution as a result of the Administration's action;

(2) fees assessed by the financial institution for insufficient funds;

(3) fees assessed by merchants for dishonored checks; and

(4) reasonable attorney's fees incurred by the account holders of interest related to an administrative or judicial review of the Administration's decision to institute the action.

(b) An account holder of interest who wishes to request reimbursement under this section shall file a written request within 60 days after the account is seized. The request shall include copies of the notices or other proof of the assessment of fees for which reimbursement is sought.

(c) The Administration is not required to reimburse an account holder of

interest for fees incurred if:

(1) the account holder of interest fails to make a request for reimbursement within 60 days after the account was seized;

(2) the account holder of interest fails to provide proof of the assessment of fees; or

(3) the fees were incurred as a result of a debit made to the account after the account holder of interest had actual notice of the account seizure.

(d) This section does not apply to fees incurred as a result of a judicial garnishment.

(e) A financial institution has no obligation to reimburse fees assessed as a result of the Administration instituting an action under § 10-108.3 of this subtitle or as otherwise permitted by law or authorized by contract.

§10–108.5.

(a) In any case in which a court has ordered an obligor to send support payments directly to an obligee, the Administration may direct an obligor to forward any support payments through a support enforcement agency if the Administration has:

(1) sent a notice to the obligor directing the obligor to send support payments through a support enforcement agency;

(2) advised the obligee that it is issuing a notice to change payees under this section; and

(3) filed a notice with the court that the Administration is directing the obligor to change payees.

(b) When an obligor receives notice to change payees under subsection (a) of this section, the obligor shall forward all future support payments to the support enforcement agency designated in the notice.

§10–108.6.

(a) In order to establish, modify, or enforce a duty of support, the Administration may issue subpoenas to compel the production of documents and other tangible items.

(b) A subpoena issued under subsection (a) of this section shall:

(1) specify the name and address of the person to be subpoenaed;

(2) describe the items to be produced with particularity; and

(3) include a return date for the subpoena.

(c) The Administration may serve a subpoena by:

(1) hand delivery; or

(2) certified mail.

(d) If a person fails to comply with a subpoena issued by the Administration, the Administration may:

(1) reissue the subpoena;

(2) exercise the Administration's authority under § 10-119.3 of this subtitle to suspend any license held by the person; or

(3) apply, upon affidavit, to any judge of a circuit court for an order requiring the person to obey the subpoena.

(e) If a person knowingly fails or refuses to obey a court order to comply with a subpoena issued under this section, the court may compel compliance with the administrative subpoena in any manner available to the court to enforce its own order or subpoena.

§10–108.7.

The Administration shall establish a State disbursement unit for collection and disbursement of support payments in any case in which:

(1) an assignment is made under § 5–312(b)(2) of the Human Services Article;

(2) an obligee files an application and pays a fee for child support services as required by the Administration; or

(3) an employer is required to send payments to a support enforcement agency.

§10–109.

The Administration shall approve for child support services any individual who files an application and pays a fee for child support services as required by the Administration.

§10–110. IN EFFECT

(a) The Administration may:

(1) charge an initial application fee of not more than $25 for support services;

(2) deduct from the child support payment to defray the cost of providing support enforcement services under:

(i) the Income Tax Refund Intercept Program under this subtitle; and

(ii) the Federal Treasury Offset Program;

(3) collect fees from the obligor to defray the costs of providing support enforcement services; and

(4) deduct from child support payments an annual collection fee of $25 for cases in which the family never received temporary cash assistance and has received at least $3,500 in child support payments during the federal fiscal year.

(b) Except as provided in subsection (a) of this section, the Administration may not:

(1) collect fees from the child support obligee; or

(2) deduct fees from the child support payment.

10–110. ** CONTINGENCY – NOT IN EFFECT – CHAPTER 162 OF 2008 **

(a) The Administration may:

(1) charge an initial application fee of not more than $25 for support services;

(2) deduct from the child support payment to defray the cost of providing support enforcement services under:

(i) the Income Tax Refund Intercept Program under this subtitle; and

(ii) the Federal Treasury Offset Program; and

(3) collect fees from the obligor to defray the costs of providing support enforcement services.

(b) Except as provided in subsection (a) of this section, the Administration may not:

(1) collect fees from the child support obligee; or

(2) deduct fees from the child support payment.

§10–111.

(a) The Administration may make a cooperative agreement with a private or public agency, a circuit court, an institution, or a law enforcement official as to:

(1) establishing paternity;

(2) establishing liability for support;

(3) collecting support; or

(4) enforcing a court order to pay support.

(b) A cooperative agreement made under this section may include arrangements for reimbursement for expenditures incurred that are reimbursable under federal regulations that relate to federal financial participation in the operation of a support enforcement program.

§10–112.

(a) (1) Subject to the best interest of the child, if the Administration considers it to be in the best interest of this State in a case in which an assignment has been made under § 5–312(b)(2) of the Human Services Article, the Administration may accept in full settlement of an arrearage in child support payments an amount that is less than the total arrearage.

(2) On request of the Administration, a court may approve by order an amount that is less than the total arrearage as full settlement of the arrearage.

(b) (1) In a case in which an assignment has been made under § 5–312(b)(2) of the Human Services Article, there is a presumption that it is in the best interest of this State for the Administration to accept in full settlement of an arrearage in child support payments an amount that is less than the total arrearage if:

(i) 1. the obligor, the individual who has made an assignment under § 5–312(b)(2) of the Human Services Article, and the child who is the subject of the support order have resided together for at least the 12 months immediately preceding a request for settlement under this section; or

2. the obligor and the child who is the subject of the support order have resided together for at least the 12 months immediately preceding a request for settlement under this section, and the individual who has made an assignment under § 5–312(b)(2) of the Human Services Article is deceased, incapacitated, or otherwise unavailable to reside with the obligor and the child;

(ii) the obligor has been supporting the child for at least the 12 months immediately preceding a request for settlement under this section; and

(iii) the gross income of the obligor is less than 225 percent of the federal poverty level, as defined by the United States Department of Health and Human Services.

(2) For purposes of paragraph (1)(i)2 of this subsection, an individual who has made an assignment under § 5–312(b)(2) of the Human Services Article may not be considered incapacitated or otherwise unavailable due solely to a change in legal or physical custody of the child.

(3) (i) If the Administration does not accept in full settlement of an arrearage in child support payments an amount that is less than the total arrearage under this subsection, the Administration shall notify the obligor of the decision and of the obligor's right to appeal the decision to the Office of Administrative Hearings.

(ii) An appeal under this subsection shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) The Secretary of Human Resources, in cooperation with the Office of Administrative Hearings, may adopt regulations to implement this section.

§10–112.1.

(a) In this section, "Program" means the Child Support Payment Incentive Program.

(b) By June 1, 2008, the Administration shall develop a statewide Child Support Payment Incentive Program to encourage payment of child support in cases in which an assignment has been made under § 5–312(b)(2) of the Human Services Article by entering into agreements with child support obligors in exchange for reductions in the amount of arrearages as authorized under § 10–112 of this subtitle.

(c) (1) (i) To participate in the Program, the obligor's income shall meet the criteria described in § 10–112(b)(1)(iii) of this subtitle.

(ii) For purposes of determining the applicable federal poverty level for a Program applicant, the obligor's household shall include the children for whom the obligor is required to pay child support under a child support order that is the subject of the application to the Program.

(2) (i) In determining whether to authorize an obligor to participate in the Program, the Administration shall consider the following factors:

1. whether the obligor has a current ability to pay;

2. whether the reduction of arrearages will encourage the obligor's economic stability; and

3. whether the agreement serves the best interests of the

children whom the obligor is required to support.

(ii) If any of the factors specified in subparagraph (i) of this paragraph are met, there is a presumption that it is in the best interest of the State to authorize an obligor to participate in the Program.

(d) Under the Program, the Administration shall agree to reduce the arrearages in accordance with the following schedule:

(1) after 12 months of uninterrupted court–ordered payments, the arrearages shall be reduced by 50% of the amount of arrearages owed before the agreement; and

(2) after 24 months of uninterrupted court–ordered payments, the arrearages balance shall be reduced to zero in full settlement of the arrearages.

(e) The Administration shall distribute any child support arrearages received under this section in accordance with federal law.

(f) (1) Except as provided in paragraph (2) of this subsection, for the duration of an agreement under subsection (d) of this section, all child support enforcement actions shall be suspended, unless the suspension would be in conflict with federal law.

(2) For the duration of an agreement under subsection (d) of this section, any earnings withholding shall continue in an amount consistent with the agreement.

(g) (1) When the Administration enters into a Program agreement with an obligor, the Administration shall file a copy of the agreement with the court within 30 days after the agreement is executed.

(2) If an obligor satisfies the requirements for a reduction in arrearages under the schedule specified in subsection (d) of this section, the Administration shall:

(i) file a notice of reduction of arrearages with the court; and

(ii) provide a copy of the notice to the obligor that reflects the adjusted amount of any arrearages that the obligor owes.

(h) A Program agreement is effective without the necessity of judicial approval.

(i) (1) An agreement under this section shall be terminated if the obligor fails to make payments equal to two times the monthly support obligation amount.

(2) An obligor who has been terminated from a Program agreement more than two times is not eligible for future participation in the Program.

(j) (1) The Administration shall develop an application form for obligors to request participation in the Program.

(2) Within 60 days after receipt of a request from an obligor, the Administration shall provide a written decision to the obligor.

(3) (i) If the Administration does not authorize participation of an obligor in the Program, the Administration shall notify the obligor of the decision and of the obligor's right to appeal the decision to the Office of Administrative Hearings.

(ii) An appeal under this subsection shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(k) If an unemployed obligor applies to participate in the Program, the Administration shall give the obligor a list of referrals to programs that prepare individuals for entry into the workforce.

(l) The Administration and each local support enforcement office shall jointly develop a public awareness campaign to publicize statewide the availability of the Program and the manner of applying to participate in the Program.

(m) The Secretary of Human Resources may adopt regulations to implement this section.

§10–113.

(a) Each year, the Administration may certify to the State Comptroller any obligor who is in arrears of support payments amounting to more than $150 under the court order, if:

(1) the Administration has accepted an assignment of support under § 5–312(b)(2) of the Human Services Article; or

(2) the recipient of support payments has filed an application for support enforcement services with the Administration.

(b) The Administration shall notify the obligor that:

(1) a certification has been made by the Administration; and

(2) the obligor may ask the Administration to investigate the arrearage.

(c) The certification shall include, if known:

(1) the full name of the obligor, and any other names known to be used by the obligor;

(2) the address and the Social Security number of the obligor; and

(3) the amount of the arrearage.

(d) (1) On receipt of notice of certification, any obligor who disputes the

existence or amount of the arrearage may ask the Administration to investigate the arrearage.

(2) On receipt of a request for investigation from the obligor, the Administration shall:

(i) conduct an investigation as to the accuracy of the reported arrearage; and

(ii) if the Administration finds that there is an error, correct the amount of the reported arrearage or withdraw the certification.

(e) The State Comptroller may not question the certification made by the Administration.

(f) The State Comptroller shall:

(1) withhold and pay to the Administration any income tax refund due to the obligor, in an amount not more than the amount of the arrearage;

(2) pay to the obligor any part of the income tax refund over the amount of the arrearage; and

(3) notify the obligor of:

(i) the amount paid to the Administration; and

(ii) the rights of the obligor under subsection (g) of this section.

(g) (1) On receipt of notice of intercept from the State Comptroller, any obligor who disputes the existence or amount of the arrearage may appeal to the Administration.

(2) If the Administration finds that an excessive amount was withheld from the obligor's income tax refund or State lottery prize, the Administration promptly shall pay to the taxpayer the excess amount withheld.

(h) The State Comptroller shall honor refund interception requests in the following order:

(1) a refund interception request to collect an unpaid State, county, or municipal tax;

(2) a refund interception request under this Part II of this subtitle for arrears of support payments;

(3) a refund interception request for converted funds under § 15–122.2 of the Health – General Article; and

(4) any other refund interception request.

(i) The Secretary of Human Resources and the State Comptroller may adopt rules and regulations to carry out this section.

§10–113.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Video lottery facility" has the meaning stated in § 9–1A–01 of the State Government Article.

(3) "Video lottery operation licensee" has the meaning stated in § 9–1A–01 of the State Government Article.

(b) The Administration may certify to the State Lottery and Gaming Control Agency the name of any obligor who is in arrears in the amount of $150 or more if:

(1) the Administration has accepted an assignment of support under § 5–312(b)(2) of the Human Services Article; or

(2) the recipient of support payments has filed an application for support enforcement services with the Administration.

(c) The certification shall contain:

(1) the full name of the obligor, and any other names known to be used by the obligor;

(2) the Social Security number of the obligor; and

(3) the amount of the arrearage.

(d) If an obligor who has been certified as an obligor wins a lottery prize to be paid by check directly by the State Lottery and Gaming Control Agency, the State Lottery and Gaming Control Agency shall send a notice to the obligor that:

(1) the obligor has won a prize to be paid by check directly by the State Lottery and Gaming Control Agency;

(2) the State Lottery and Gaming Control Agency has received certification from the Child Support Enforcement Administration of the obligor's child support arrearage in the amount specified;

(3) subsection (f) of this section requires the State Lottery and Gaming Control Agency to withhold the prize to pay it towards the obligor's support arrearage;

(4) the State Lottery and Gaming Control Agency proposes to transfer the prize, or that part of it which is equal to the support arrearage, to the Administration

if no appeal is filed within 15 days;

(5) the obligor may appeal to the Administration if the obligor disputes the existence or the amount of the arrearage;

(6) if the obligor appeals to the Administration, the prize will be distributed as the Administration directs; and

(7) if no appeal is filed within 15 days, the prize, or that part of it equal to the support arrearage, will be transferred to the Administration.

(e) If an obligor who owes child support and has been certified as an obligor wins a prize at a video lottery facility requiring the issuance of Internal Revenue Service form W–2G or a substantially equivalent form by a video lottery operation licensee, the video lottery operation licensee shall provide a notice to the obligor that:

(1) the obligor has won a prize to be paid by cash or check directly by the video lottery operation licensee;

(2) the State Lottery and Gaming Control Agency has received certification from the Child Support Enforcement Administration of the obligor's child support arrearage in the amount specified;

(3) subsection (f) of this section requires the video lottery operation licensee to withhold the prize to pay it towards the obligor's child support arrearage;

(4) the video lottery operation licensee proposes to transfer the prize, or that part of it which is equal to the child support arrearage, to the Administration if no appeal is filed within 15 days;

(5) the obligor may appeal to the Administration if the obligor disputes the existence or the amount of the child support arrearage;

(6) if the obligor appeals to the Administration, the prize will be distributed as the Administration directs; and

(7) if no appeal is filed within 15 days, the prize, or that part of it equal to the child support arrearage, will be transferred to the Administration.

(f) If the prize exceeds the arrearage, the State Lottery and Gaming Control Agency or video lottery operation licensee shall immediately pay the excess to the obligor. The State Lottery and Gaming Control Agency or video lottery operation licensee shall withhold any part of the prize that does not exceed the arrearage until notified by the Administration to whom the withheld prize money shall be paid.

(g) Upon receipt of a notice from the State Lottery and Gaming Control Agency or video lottery operation licensee any obligor who disputes the existence or amount of the arrearage may appeal the proposed transfer within 15 days of the date of the notice

to the Administration.

(h) If no appeal is filed within 15 days, the State Lottery and Gaming Control Agency or video lottery operation licensee shall transfer the amount of the prize withheld to the Administration.

(i) The Administration shall notify the State Lottery and Gaming Control Agency or video lottery operation licensee that upon appeal, the withheld prize shall be:

(1) paid to the obligor;

(2) transferred to the Administration; or

(3) partly paid to the obligor and partly transferred to the Administration, in the amounts specified.

(j) The State Lottery and Gaming Control Agency shall honor lottery prize interception requests in the following order:

(1) an interception request under this section;

(2) an interception request under § 11–618 of the Criminal Procedure Article; and

(3) an interception request under § 3–307 of the State Finance and Procurement Article.

(k) The Secretary of Human Resources and the Director of the State Lottery and Gaming Control Agency may jointly adopt regulations to implement this section.

(l) A video lottery operation licensee may not be held liable for an act or omission taken in good faith to comply substantially with the requirements of this section.

§10–113.2.

(a) The Administration may certify to the State Comptroller any obligor who is in arrears under a child support order, if:

(1) the amount of arrears exceeds $150; and

(2) the Administration is providing services in the case under Title IV, Part D, of the federal Social Security Act.

(b) The Administration shall notify the obligor that:

(1) a certification has been made by the Administration; and

(2) the obligor has a right to request an investigation as provided under subsection (d) of this section.

(c) The certification shall include, if known:

(1) the full name of the obligor, and any other names known to be used by the obligor;

(2) the address and Social Security number of the obligor; and

(3) the amount of the arrearage.

(d) (1) Within 30 days of the date of the notice of certification, an obligor who disputes the existence or amount of the arrearage may request that the Administration conduct an investigation of the arrearage.

(2) (i) On receipt of a request for investigation from the obligor, the Administration shall conduct an investigation as to the existence or amount of the arrearage.

(ii) On completion of the investigation, the Administration shall notify the obligor of the outcome of the investigation.

(iii) If, after the investigation the Administration finds there is an error, the Administration shall correct the amount of the reported arrears, or, if appropriate, withdraw the certification.

(e) The State Comptroller shall:

(1) withhold the amount of the arrearage from:

(i) any payment due to the obligor; or

(ii) any abandoned property delivered to the State Comptroller under Title 17 of the Commercial Law Article in which the obligor has an interest;

(2) forward the amount withheld to the Administration; and

(3) notify the obligor of:

(i) the amount paid to the Administration; and

(ii) the right to appeal the intercept to the Office of Administrative Hearings as provided in subsection (g) of this section.

(f) On receipt of the intercepted payment, the Administration shall:

(1) retain any part of the payment that does not exceed the amount of arrearage owed at the time the payment was received; and

(2) pay to the obligor any part of the payment that exceeds the amount of arrearage owed at the time the payment was received.

(g) (1) Within 30 days of the date of the notice of intercept from the State Comptroller, an obligor who disputes the existence or amount of the arrearage may appeal to the Office of Administrative Hearings.

(2) An appeal to the Office of Administrative Hearings shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(h) The Secretary of Human Resources and the State Comptroller may adopt regulations to carry out this section.

§10–114.

(a) The Secretary of Human Resources shall:

(1) adopt rules and regulations for the collection of support;

(2) adopt standards for staffing, record keeping, reporting, intergovernmental cooperation, and other management operations that are necessary to proper and efficient collection of support;

(3) delegate any responsibility for support enforcement to a local department, for as long as:

(i) the local government asks that responsibility be delegated to the local department;

(ii) the Secretary finds that the local department is capable of carrying out the responsibility; and

(iii) a delegation of that responsibility is consistent with guidelines of the Department of Human Resources;

(4) delegate any responsibility for support enforcement to the clerk of a circuit court, for as long as:

(i) the local government and the clerk, with the approval of the Chief Judge of the Court of Appeals, ask that responsibility be delegated to the clerk;

(ii) the Secretary finds that the clerk is capable of carrying out the responsibility;

(iii) a delegation of that responsibility is consistent with guidelines of the Department of Human Resources; and

(iv) the Administration makes a cooperative agreement with the clerk that:

1. includes arrangements for reimbursement for expenditures incurred by the clerk that are reimbursable under federal regulations that relate to federal financial participation in the operation of a support enforcement program; and

2. provides that federal collection incentives that would be payable to the county if the county had a local support enforcement office shall be payable to the Fund established in § 10-106.1 of this subtitle; and

(5) adopt regulations establishing procedures for the periodic review and adjustment of child support orders being enforced by a support enforcement agency.

(b) The clerk of a circuit court, with the approval of the Chief Judge of the Court of Appeals, may:

(1) make a written agreement with the Secretary of Human Resources and the Administration to provide support enforcement services pursuant to a delegation of responsibility under subsection (a) of this section;

(2) employ the personnel necessary to perform the support enforcement services, notwithstanding any other provisions of law, including any law on the practice of law by employees of a clerk; and

(3) include in the clerk's annual budget request submitted to the Chief Judge of the Court of Appeals the projected costs of administering the support enforcement program that are not reimbursable under the agreement with the Secretary of Human Resources and the Administration.

§10–115.

(a) In this section, "legal proceeding" means:

(1) a civil action for child support;

(2) a paternity proceeding under Title 5, Subtitle 10 of this article; and

(3) a proceeding under Subtitle 3 of this title.

(b) In any support action in which the Administration is providing child support services under federal law, the Administration may initiate a legal proceeding to establish, modify, or enforce a duty of support.

(c) In a legal proceeding, the Administration shall be represented by:

(1) the Attorney General;

(2) the State's Attorney, if the State's Attorney has agreed to provide representation under subsection (g) of this section; or

(3) a qualified lawyer who is appointed by and subject to supervision and

removal by the Attorney General.

(d) An attorney who initiates or participates in a legal proceeding under this section shall represent the Administration.

(e) Representation of the Administration by an attorney under this section:

(1) creates an attorney-client relationship between that attorney and the Administration; and

(2) does not create an attorney-client relationship between that attorney and any other person.

(f) The attorney representing the Administration in a legal proceeding under this section shall advise the person whom the Administration has approved for child support services that the attorney's representation of the Administration does not create an attorney-client relationship between the attorney and that person.

(g) (1) A State's Attorney may make a written agreement with the Secretary of Human Resources and the county to provide legal representation for a fiscal year. An agreement shall be made by September 1 of the year preceding the fiscal year for which representation will be provided.

(2) An agreement shall establish reasonable administrative and fiscal requirements for:

(i) providing and continuing representation; and

(ii) reimbursement.

§10–116.

(a) A local support enforcement office:

(1) shall be funded from local and federal resources; and

(2) may keep any surcharge that is assessed against the obligor to defray the costs of support collection.

(b) The Administration shall pay a county that has a local support enforcement office collection incentives pursuant to a methodology based on the performance of the county in accordance with regulations adopted by the Administration under subsection (d) of this section.

(c) The rules, regulations, and standards of a local support enforcement office control if they generally conform to those adopted by the Secretary of Human Resources under § 10-114 of this subtitle.

(d) The Administration shall adopt any regulations necessary to carry out the

provisions of this section.

§10–117.

(a) A county or circuit court with a local support enforcement office may request that the responsibility for support enforcement be transferred to the Administration.

(b) A request for transfer of responsibility under this section must be made to the Department of Human Resources by September 1 of the year preceding the fiscal year for which responsibility will be transferred.

(c) Any personnel of the local support enforcement office involved in a transfer under this section shall be in the State Personnel Management System and shall be placed in the position that is comparable to or most closely compares to their former position, without further examination or qualification. These employees shall be credited with the years of service with the jurisdiction for purposes of seniority, including the determination of leave accumulation and the determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article, and, except as provided under § 2-510 of the Courts Article, shall become members of the Employees' Pension System of the State of Maryland. All previous pension contributions shall be transferred in accordance with Title 37 of the State Personnel and Pensions Article. These employees shall receive no diminution in compensation or accumulated leave solely as a result of the transfer. The salary grade of these employees shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer. Annual leave in excess of that which may be retained annually in the State Personnel Management System may be retained at the time of transfer if that accumulation was permitted by the former employer.

§10–118.

Subject to any federal law or program, the Administration and local support enforcement offices shall promote and serve the best interests of the child in carrying out their child support responsibilities under this subtitle.

§10–119.

(a) (1) In this section the following words have the meanings indicated.

(2) "License" has the meaning stated in § 11-128 of the Transportation Article.

(3) "Motor Vehicle Administration" means the Motor Vehicle Administration of the Department of Transportation.

(b) (1) Subject to the provisions of subsection (c) of this section, the Administration may notify the Motor Vehicle Administration of any obligor who is 60 days or more out of compliance with the most recent order of the court in making child support payments if:

(i) the Administration has accepted an assignment of support under § 5–312(b)(2) of the Human Services Article; or

(ii) the recipient of support payments has filed an application for support enforcement services with the Administration.

(2) Upon notification by the Administration under this subsection, the Motor Vehicle Administration:

(i) shall suspend the obligor's license or privilege to drive in the State; and

(ii) may issue a work–restricted license or work–restricted privilege to drive in the State in accordance with § 16–203 of the Transportation Article.

(c) (1) Before supplying any information to the Motor Vehicle Administration under this section, the Administration shall:

(i) send written notice of the proposed action to the obligor, including notice of the obligor's right to request an investigation on any of the following grounds:

1. the information regarding the reported arrearage is inaccurate;

2. suspension of the obligor's license or privilege to drive would be an impediment to the obligor's current or potential employment; or

3. suspension of the obligor's license or privilege to drive would place an undue hardship on the obligor because of the obligor's:

A. documented disability resulting in a verified inability to work; or

B. inability to comply with the court order; and

(ii) give the obligor a reasonable opportunity to request an investigation of the proposed action of the Administration.

(2) (i) Upon receipt of a request for investigation from the obligor, the Administration shall conduct an investigation to determine if any of the grounds under paragraph (1)(i) of this subsection exist.

(ii) The Administration shall:

1. send a copy of the obligor's request for an investigation to the obligee by first-class mail;

2. give the obligee a reasonable opportunity to respond; and

3. consider the obligee's response.

(iii) Upon completion of the investigation, the Administration shall notify the obligor of the results of the investigation and the obligor's right to appeal to the Office of Administrative Hearings.

(3) (i) An appeal under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) An appeal shall be made in writing and shall be received by the Office of Administrative Hearings within 20 days after the notice to the obligor of the results of the investigation.

(4) If, after the investigation or appeal to the Office of Administrative Hearings, the Administration finds that one of the grounds under paragraph (1)(i) of this subsection exists, the Administration may not send any information about the obligor to the Motor Vehicle Administration.

(5) The Administration may not send any information about an obligor to the Motor Vehicle Administration if:

(i) the Administration reaches an agreement with the obligor regarding a scheduled payment of the obligor's child support arrearage or a court issues an order for a scheduled payment of the child support arrearage; and

(ii) the obligor is complying with the agreement or court order.

(d) If, after information about an obligor is supplied to the Motor Vehicle Administration, the obligor's arrearage is paid in full, the obligor has demonstrated good faith by paying the ordered amount of support for 6 consecutive months, or the Administration finds that one of the grounds under subsection (c)(1)(i) of this section exists, the Administration shall notify the Motor Vehicle Administration to reinstate the obligor's license or privilege to drive.

(e) The Secretary of Human Resources, in cooperation with the Secretary of Transportation and the Office of Administrative Hearings, shall adopt regulations to implement this section.

§10–119.3.

(a) (1) In this section the following words have the meanings indicated.

(2) "License" means any license, certificate, registration, permit, or other authorization that:

(i) is issued by a licensing authority;

(ii) is subject to suspension, revocation, forfeiture, or termination by

a licensing authority; and

(iii) is necessary for an individual to practice or engage in:

1. a particular business, occupation, or profession; or

2. recreational hunting or fishing.

(3) (i) "Licensing authority" means a department, unit of a department, commission, board, office, or court of the State.

(ii) "Licensing authority" includes:

1. the Department of Labor, Licensing, and Regulation;

2. the Department of Health and Mental Hygiene;

3. the Department of Human Resources;

4. the Department of Transportation;

5. the Department of the Environment;

6. the Comptroller of the Treasury;

7. the Department of Agriculture;

8. the Maryland Insurance Administration;

9. the Public Service Commission;

10. the Secretary of State;

11. the State Department of Education;

12. the Department of Natural Resources;

13. the Office of the Attorney General;

14. the clerks of the court that are authorized to issue a license or certificate for professional services or recreational uses; and

15. the Court of Appeals.

(b) (1) Except as provided in paragraph (2) of this subsection, a licensing authority shall:

(i) require each applicant for a license to disclose the Social Security number of the applicant; and

(ii) record the applicant's Social Security number on the application.

(2) The Department of Natural Resources shall:

(i) require an applicant for a recreational hunting or fishing license to disclose only the last four digits of the Social Security number of the applicant instead of the full Social Security number; and

(ii) record the applicant's partial Social Security number on the application.

(c) (1) To carry out its responsibility under State and federal law, the Administration may request from a licensing authority information concerning any obligor in arrears in paying child support through a support enforcement agency.

(2) A request for information by the Administration under paragraph (1) of this subsection:

(i) shall contain:

1. the full name of the obligor; and

2. the Social Security number or, as appropriate, the partial Social Security number of the obligor; and

(ii) may be transmitted to a licensing authority using an electronic format.

(3) A request for information may not be made by the Administration to a licensing authority more frequently than four times in each calendar year except with respect to an obligor whom the Administration has reason to believe is licensed by, or has applied for a license from, the licensing authority.

(4) In addition to requests for information under this subsection, the Administration may request a licensing authority to periodically share its licensing database with the Administration.

(d) (1) Upon receipt of a request for information under subsection (c) of this section, a licensing authority shall submit the following information to the Administration with respect to each obligor who is licensed by, or has applied for a license from, the licensing authority:

(i) the full name of the obligor;

(ii) the address of the obligor, if known;

(iii) the Social Security number or, as appropriate, the partial Social Security number of the obligor, if known; and

(iv) a description of the license held by the obligor.

(2) The information may be transmitted to the Administration in an electronic format.

(3) Except as otherwise provided by law, any record compiled under this subsection shall be made available only to a person who has a right to the record in an official capacity.

(e) (1) Except as provided in paragraph (3) of this subsection and subject to the provisions of subsection (f) of this section, the Administration may request a licensing authority to suspend or deny an individual's license if:

(i) 1. the individual is in arrears amounting to more than 120 days under the most recent order; and

2. A. the Administration has accepted an assignment of support under § 5–312(b)(2) of the Human Services Article; or

B. the recipient of support payments has filed an application for support enforcement services with the Administration; or

(ii) the individual has failed to comply with a subpoena issued by the Administration under § 10–108.6 of this subtitle.

(2) Except as provided in paragraph (3) of this subsection, upon notification by the Administration under this section, a licensing authority shall:

(i) suspend an individual's license; or

(ii) deny the license of an individual who is an applicant for a license from the licensing authority.

(3) (i) This paragraph applies if the licensing authority is the Court of Appeals.

(ii) If an individual meets the criteria specified in paragraph (1) of this subsection, the Administration may make a referral to the Attorney Grievance Commission for proceedings in accordance with the Maryland Rules governing attorney discipline.

(iii) On recommendation of the Attorney Grievance Commission, the Court of Appeals may suspend an individual's license or take other action against the individual as authorized by the Maryland Rules governing attorney discipline.

(iv) The Court of Appeals may adopt rules to implement the provisions of this paragraph.

(f) (1) At least 30 days before requesting a licensing authority to suspend or deny a license or at least 30 days before making a referral under subsection (e)(3) of this section, the Administration shall:

(i) send written notice of the proposed action to the individual whose license is subject to suspension under this section, including notice of the individual's right to request an investigation; and

(ii) give the individual a reasonable opportunity to contest the accuracy of the information.

(2) (i) Upon receipt of a request for investigation from an individual whose license is subject to suspension, the Administration shall conduct an investigation.

(ii) Upon completion of the investigation, the Administration shall notify the individual of the result of the investigation and the individual's right to appeal to the Office of Administrative Hearings.

(3) (i) An appeal under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) An appeal shall be made in writing and shall be received by the Office of Administrative Hearings within 30 days after the notice to the individual whose license is subject to suspension of the results of the investigation.

(4) If, after the investigation or appeal to the Office of Administrative Hearings, the Administration finds that it erred in making a decision, the Administration may not send a notification about an individual to a licensing authority or make a referral under subsection (e)(3) of this section.

(g) The Administration may not send a notification about an individual to a licensing authority or make a referral under subsection (e)(3) of this section if:

(1) with respect to an individual with a child support arrearage:

(i) the Administration reaches an agreement with the individual regarding a scheduled payment of the child support arrearage or a court issues an order for a scheduled payment of the child support arrearage; and

(ii) the individual is complying with the agreement or court order; or

(2) with respect to an individual who failed to comply with a subpoena issued under § 10–108.5 of this subtitle, the individual has complied with the subpoena.

(h) (1) Except as provided in paragraph (2) of this subsection, prior to the suspension or denial of a license under subsection (e) of this section, a licensing authority shall send written notice of the proposed action to the individual whose

license is subject to suspension or denial, including notice of the individual's right to contest the identity of the individual whose license or application is to be suspended or denied.

(2) If the licensing authority is the Court of Appeals, notice shall be as provided in the Maryland Rules governing attorney discipline.

(i) (1) (i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.

(2) If the licensing authority is the Court of Appeals, an individual may appeal a decision in accordance with the Maryland Rules governing attorney discipline.

(j) The Administration shall notify the licensing authority to reinstate any license suspended or denied under this section within 10 days after the occurrence of any of the following events:

(1) the Administration receives a court order to reinstate the suspended license; or

(2) with respect to an individual with a child support arrearage, the individual has:

(i) paid the support arrearage in full; or

(ii) demonstrated good faith by paying the ordered amount of support for 4 consecutive months; or

(3) with respect to an individual whose license was suspended or denied because of a failure to comply with a subpoena issued under § 10–108.5 of this subtitle, the individual has complied with the subpoena.

(k) A licensing authority shall immediately reinstate any license suspended, or process an application for any license denied, under this section if:

(1) notified by the Administration that the license should be reinstated; and

(2) the individual otherwise qualifies for the license.

§10–120.

(a) In this Part III of this subtitle the following words have the meanings indicated.

(b) "Earnings withholding notice" means a notice in a format prescribed by federal law issued by the Administration to an employer requiring the employer to deduct support payments from the earnings of an obligor.

(c) "Earnings withholding order" means an order in a format prescribed by federal law issued by a tribunal to an employer requiring the employer to deduct support payments from the earnings of an obligor.

(d) "Support" includes:

(1) child support;

(2) spousal support;

(3) nondifferentiated child and spousal support; and

(4) any medical support ordered by the court, including converted funds as defined in § 15-122.2 of the Health - General Article.

(e) "Tribunal" has the meaning stated in § 10-301(x) of this title.

§10–121.

(a) Any order under this Part III of this subtitle that is passed on or after July 1, 1985 shall constitute an immediate and continuing withholding order on all earnings of the obligor that are due on or after the date of the support order.

(b) (1) Any order under this Part III of this subtitle that is passed before July 1, 1985 shall become an immediate and continuing withholding order on all earnings of the obligor that are due on or after the date of the withholding order on the filing by the recipient or support enforcement agency of:

(i) a motion for a withholding order on the earnings of the obligor; and

(ii) a current support order.

(2) Notice of the filing of the motion and a statement that the support order constitutes an earnings withholding order subject to the conditions of this Part III of this subtitle shall be sent to the obligor by certified mail, return receipt requested and first–class mail, at the last known home address or, if the home address is unknown, the place of employment of the obligor.

(c) Any support order or modification of support order not subject to immediate

withholding under § 10-123 of this subtitle, that is passed on or after July 1, 1985, and any notice and statement issued under subsection (b)(2) of this section shall include a statement that:

(1) if the obligor accumulates support payments arrears amounting to more than 30 days of support, the obligor shall be subject to earnings withholding;

(2) so long as the support order is in effect, the obligor is required to notify the court of:

(i) any change of address within 10 days after moving to a new address; or

(ii) any change of employment within 10 days after receiving the first earnings from a new employer; and

(3) failure to comply with item (2) of this subsection will subject the obligor to a penalty not to exceed $250 and may result in the obligor's not receiving notice of proceedings for earnings withholding.

§10–122.

(a) The amount of the earnings withholding shall:

(1) be enough to pay the support and any arrearage included in the payments required by the support order; and

(2) include any arrearage accrued since the support order.

(b) (1) (i) When arrearages under subsection (a)(2) of this section are part of an earnings withholding order or earnings withholding notice, the total arrearage withheld shall be in one lump-sum payment or apportioned over a period of time.

(ii) The amount of the arrearage withheld under subparagraph (i) of this paragraph shall be determined by the tribunal or, in a case in which the Administration is providing support services, by the Administration.

(2) The amount of arrears under subsection (a)(2) of this section apportioned to each payment shall be at least $1 but not more than 25% of the current support payment.

(c) If there is more than one earnings withholding order or earnings withholding notice against a single obligor, the Administration shall allocate amounts available for withholding, giving priority to current support, up to the limits imposed by the federal Consumer Credit Protection Act.

§10–123.

(a) Except as otherwise provided for in this section and notwithstanding any other provision of this Part III, a court shall immediately authorize service of an earnings withholding order when:

(1) (i) a support order or modification of support order is passed on or after April 9, 1991;

(ii) a case is being enforced by a support enforcement agency; and

(iii) the recipient or support enforcement agency requests service of an earnings withholding order; or

(2) the Department of Health and Mental Hygiene requests service of an earnings withholding order for court ordered medical support.

(b) Except as provided in subsection (d) of this section, for all child support orders that are initially issued in the State on or after January 1, 1994, regardless of whether child support payments are in arrears, a court shall immediately authorize service of an earnings withholding order on the effective date of the order.

(c) When a court orders immediate service of an earnings withholding order on or after July 1, 1994, the court shall order payments through the State disbursement unit.

(d) A court may not authorize the immediate service of an earnings withholding order if:

(1) any party demonstrates, and the court finds, that there is good cause to not require immediate earnings withholding; or

(2) the court approves of the terms of a written agreement of the parties providing for an alternative method of payment.

(e) If the court authorizes the immediate service of an earnings withholding order, the court shall immediately cause a copy of the earnings withholding order to be served on any employer of the obligor.

§10–124.

(a) Except as otherwise provided in this Part III, the Administration may serve an earnings withholding notice on an employer of an obligor without the need for any modification of the support order or any further action by a tribunal if:

(1) (i) a tribunal has issued a support order; and

(ii) the Administration is providing child support services under Title

IV, Part D, of the Social Security Act; or

(2) an obligor requests the service of an earnings withholding notice.

(b) The Administration may serve an employer with an earnings withholding notice using an electronic format if the employer has entered into an agreement with the Administration to accept service of an earnings withholding notice in this manner.

(c) When the Administration serves an employer with an earnings withholding notice under this section, the Administration shall send to the obligor, by first-class mail, at the obligor's last known home address and place of employment:

(1) a copy of the earnings withholding notice;

(2) a statement of the procedures under § 10-134 of this subtitle that the obligor must follow to terminate earnings withholding;

(3) a statement of the obligor's right to contest the accuracy of the information provided in the earnings withholding notice by filing a motion for a stay of the earnings withholding notice in circuit court or requesting an investigation no later than 30 days after a copy of the withholding notice is mailed to the obligor under this section; and

(4) a statement of the amount of arrears apportioned to each payment that is to be included in the amount of earnings withheld under § 10-122 of this subtitle.

(d) The only issues that may be adjudicated at a hearing or contested in an investigation under subsection (c)(3) of this section are:

(1) whether an arrearage existed;

(2) the amount of the withholding or the amount of any arrearage;

(3) the identity of the obligor; or

(4) that the amount of the withholding notice exceeds the limits of the federal Consumer Credit Protection Act.

(e) (1) If an obligor requests an investigation, the Administration shall:

(i) conduct an investigation within 15 days after the obligor's request; and

(ii) on completion of the investigation, notify the obligor of the results of the investigation and the obligor's right to appeal the decision of the Administration to the Office of Administrative Hearings.

(2) An appeal under paragraph (1)(ii) of this subsection shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

§10–125.

Except as provided for in § 10-123 of this subtitle, the court may not cause a copy of the earnings withholding order to be served on any employer of the obligor until the court receives a request for service of the earnings withholding order under § 10-126 of this subtitle and the requirements of §§ 10-127 and 10-133 of this subtitle have been met.

§10–126.

(a) If an obligor accrues support payment arrears amounting to more than 30 days of support, the recipient or the support enforcement agency may file a request for service of the earnings withholding order.

(b) (1) The request shall:

(i) be under oath;

(ii) state the last date or dates on which support payments were received, and the amount or amounts of the support payments; and

(iii) state the amount of arrearage.

(2) The request may be filed on a form which shall be provided by the court.

(c) Any person who willfully makes a false representation in a request for service of an earnings withholding order under this section shall be subject to the penalties for perjury.

(d) When support payments are being made through the support enforcement agency, the agency shall file the request for service of the earnings withholding order.

§10–127.

(a) When the court receives a request for service of the earnings withholding order under § 10-126 of this subtitle, the court shall send to the obligor, by certified mail, return receipt requested and first–class mail, at the home address or, if the home address is unknown, the place of employment last reported to the court:

(1) a copy of the earnings withholding order;

(2) a copy of the request for service of the earnings withholding order;

(3) a statement of the procedures under § 10-133 of this subtitle that the obligor must follow to contest the earnings withholding;

(4) the form permitted under § 10-133(b)(3) of this subtitle;

(5) a statement of the issues that may be adjudicated under § 10-133 of

this subtitle; and

(6) notice that:

(i) the order will be served on the employer and will include arrears as alleged in the request for service of the earnings withholding order unless the obligor moves for a stay of service within 15 days of mailing the notice under this section; and

(ii) the arrears accrued since the issuance of the support order will be apportioned according to the requirements of § 10-122 of this subtitle.

(b) If the obligor fails to move for a stay under § 10-133 of this subtitle, the court shall immediately cause a copy of the earnings withholding order to be served on the employer of the obligor.

§10–128.

(a) An earnings withholding order or an earnings withholding notice sent to the obligor's employer shall:

(1) be a separate document, and not include any other orders or pleadings; and

(2) include only the following information:

(i) the amount to be withheld from the obligor's earnings including explanation of the application of the federal Consumer Credit Protection Act limits;

(ii) that subject to further orders of the tribunal, the employer is required to withhold the stated amount on a regular and continuing basis commencing on the beginning of the next pay period after receipt of the earnings withholding order or the earnings withholding notice;

(iii) that the employer may deduct and retain from the employee's earnings an additional $2 for each deduction made under the earnings withholding order or earnings withholding notice;

(iv) that the net amount withheld is to be sent promptly to the State disbursement unit; and

(v) any other information that the employer needs to comply with the earnings withholding order or earnings withholding notice.

(b) An earnings withholding order or earnings withholding notice is binding on each present and future employer of the obligor on whom a copy of the earnings withholding order or earnings withholding notice is served.

(c) Subject to federal law, an earnings withholding order or earnings

withholding notice under this Part III of this subtitle has priority over any other lien or legal process.

(d) The copy of the earnings withholding order or earnings withholding notice served on the employer of the obligor shall contain a statement that upon willful violation of the earnings withholding order or earnings withholding notice the employer shall be subject to civil penalties.

§10–129.

(a) On receipt of a copy of an earnings withholding order or earnings withholding notice an employer shall, beginning with the next pay period after receipt of the earnings withholding order or earnings withholding notice:

(1) deduct the amount of the withholding from the obligor's earnings on a regular basis; and

(2) send the deducted net amount directly to the State disbursement unit within 7 days not including Saturday, Sunday, or a legal holiday after the day on which the earnings are paid to the obligor.

(b) An employer may deduct and retain from the obligor's wages an additional $2 for each deduction made under the earnings withholding order or earnings withholding notice.

(c) An employer may not use the withholding as a basis for:

(1) reprisal against the obligor;

(2) dismissal of the obligor from employment; or

(3) refusal to hire or to promote the obligor.

(d) (1) Subject to the provisions of § 10-131 of this subtitle:

(i) the recipient or the support enforcement agency may bring a civil action against an employer who willfully violates subsection (a) of this section; and

(ii) an employer is liable for damages under this subsection in an amount equal to the amount of any withholding that the employer failed to deduct from the obligor's earnings or failed to send within the time required under subsection (a) of this section.

(2) The employer's liability under this subsection shall be in addition to any amounts paid directly or indirectly by the obligor.

§10–130.

Within 10 days after the employer receives notice of an obligor's decision to

terminate employment or within 10 days after the termination, whichever occurs earlier, the employer shall:

(1) notify the court and the support enforcement agency; and

(2) forward to the court any available information as to the obligor's:

(i) Social Security number;

(ii) home address; and

(iii) new place of employment.

§10–131.

(a) If the address of a recipient changes, the recipient, within 10 days after moving to the new address, shall send the change of address to:

(1) the court:

(i) by certified mail, return receipt requested; or

(ii) by filing in person at the court and obtaining proof of filing;

(2) the obligor, at the obligor's last known address, by first–class mail; and

(3) (i) each employer who has been served with a copy of the earnings withholding order, by first–class mail; or

(ii) if the support enforcement agency receives the support payments, the support enforcement agency:

1. by certified mail, return receipt requested;

2. if the agency's website allows parents to update address information, by entering the new address on–line;

3. by filing in person at the agency and obtaining proof of filing; or

4. by telephone or electronic communication to the agency and obtaining proof of change.

(b) If, because of the failure of a recipient to give notice under this section, an employer or the support enforcement agency is unable for a 2-month period to deliver deductions under the earnings withholding order, the employer or agency:

(1) may not make further deductions;

(2) shall return each undeliverable payment to the obligor; and

(3) shall notify the court.

§10–132.

If the address or place of employment of the obligor changes, the obligor, within 10 days after moving to a new address or receiving the first earnings from a new employer, shall send the change of address or new place of employment to:

(1) the court:

(i) by certified mail, return receipt requested; or

(ii) by filing in person at the court and obtaining proof of filing; and

(2) (i) if the recipient receives the support payments, the recipient, by first–class mail; or

(ii) if the support enforcement agency receives the support payments, the support enforcement agency:

1. by certified mail, return receipt requested;

2. if the agency's website allows parents to update address and employment information, by entering the new address or place of employment on–line;

3. by filing in person at the agency and obtaining proof of filing; or

4. by telephone or electronic communication to the agency and obtaining proof of change.

§10–133.

(a) Except as provided in § 10-123 or § 10-124 of this subtitle, an obligor may contest the issuance of an earnings withholding order by moving for a stay of the order no later than 15 days after a copy of the withholding order is mailed to the obligor under § 10-127 of this subtitle.

(b) A motion for a stay of the withholding order:

(1) shall be under oath;

(2) shall state the grounds for contesting the earnings withholding, including dates and amount of payments in dispute; and

(3) may be on a form that shall be prepared by the court.

(c) Any person who willfully makes a false representation of facts on a motion for stay of the withholding order under this section shall be subject to the penalties for perjury.

(d) Upon receipt of a motion for a stay of the withholding order under subsection (a) of this section, the court shall immediately notify the recipient and the support enforcement agency, if applicable, and shall schedule a hearing within 15 days.

(e) The only issues that may be adjudicated at a hearing scheduled under this section are:

(1) whether the alleged arrearage existed;

(2) the amount of the arrearage;

(3) the identity of the obligor; and

(4) that the amount of the withholding order exceeds the limits of the federal Consumer Credit Protection Act.

(f) Payment of arrearage after the date of the motion for service of the withholding order is not a defense against withholding.

(g) After adjudication of the issues under subsection (e) of this section, if the court finds that the obligor owed an amount in excess of 30 days' support at the time the request for service of the withholding order was filed, the court shall cause the earnings withholding order to be served on the obligor's employer immediately and shall deny the stay.

(h) If the court finds that the amount of the withholding order exceeds the limits of the federal Consumer Credit Protection Act, the court shall alter the amount of the earnings withholding to the maximum allowed under the federal Consumer Credit Protection Act.

(i) In any event, the court shall rule on the request for service of the earnings withholding order within 45 days of the mailing of the notice to the obligor.

§10–134.

(a) On motion of the obligor or the recipient that may be filed on a form which shall be prepared by the court, the court shall terminate the withholding if:

(1) the support obligation is terminated and the total arrearages are paid;

(2) all of the parties join in a motion for termination of the withholding; or

(3) within 60 days of the withholding order being served, the court finds:

(i) no history of child support arrearages; and

(ii) the arrearage which gave rise to the withholding order was the result of a bona fide medical emergency involving hospitalization of the obligor or the death of the obligor's parents, spouse, children, or stepchildren.

(b) The Administration shall notify the employer to terminate the withholding without the necessity of a further order when:

(1) the support obligation is fulfilled; and

(2) no arrearage exists.

§10–135.

Earnings withholding orders issued out of state shall be enforced in the same manner under this Part III of this subtitle as earnings withholding orders issued in this State.

§10–136.

(a) Support orders issued out of state shall be enforced in the same manner under this Part III of this subtitle as support orders issued in this State.

(b) A recipient of an out-of-state support order may file a request for service of an earnings withholding order under § 10-126 of this subtitle by submitting the information required under § 10-126 of this subtitle, and a certified support order or a support order registered in this State.

(c) (1) A recipient of an out-of-state support order may request that the support enforcement agency file with the court a request for service of an earnings withholding order under § 10-126 of this subtitle by submitting a request for service, a certified support order, and a statement of arrears under oath.

(2) A request under this subsection may be submitted by the recipient or a support enforcement agency.

§10–137.

In the case of an out-of-state obligor or out-of-state employer, the support enforcement agency shall, upon receipt of a request for service of an earnings withholding on the accrual of 30 days' support arrears, send to the appropriate state agency or court a request for earnings withholding and any information and fees required by that state to process the request.

§10–138.

(a) Upon request of the obligor, the court shall immediately authorize service of an earnings withholding order.

(b) Notwithstanding any other provision of this Part III, a court may at any time issue an earnings withholding order, in a contempt or other proceeding, if:

(1) the recipient or the support enforcement agency has filed a petition that includes a request for an earnings withholding order; and

(2) the obligor is in arrears in support payments of more than 30 days.

(c) A hearing shall be held if the obligor appears and contests the issuance of the order.

(d) The amount of the wage withholding order entered under this subsection:

(1) shall be enough to pay the support as originally entered by the court; and

(2) may include a part of the arrearage.

§10–140.

(a) (1) Unpaid child support, due under an order requiring payments through a support enforcement agency, constitutes a lien in favor of the obligee on all real and personal property of the obligor.

(2) The Administration shall notify the obligor and obligee of any child support lien established under paragraph (1) of this subsection.

(b) A child support lien established under subsection (a) of this section arises on the date of notice that the support is due and continues to the date on which the child support lien is:

(1) satisfied;

(2) released by the Administration because the child support lien is:

(i) unenforceable; or

(ii) uncollectible; or

(3) released by order of the court.

§10–141.

(a) The Administration may file a notice of a child support lien with the clerk of a circuit court.

(b) (1) On receipt of a notice of a child support lien, the clerk of a circuit court shall:

(i) record and index the lien; and

(ii) enter the lien in the judgment docket of the court.

(2) The docket entry shall include:

(i) the name of the person whose property is subject to the child support lien; and

(ii) the amount and date of the child support lien.

(c) (1) From the date on which a child support lien is filed, the child support lien has the full force and effect of a judgment lien.

(2) A child support lien established under this Part IV of this subtitle may be enforced in accordance with the Maryland Rules.

§10–142.

(a) If a child support lien is not satisfied or released, the Administration may bring an action in a circuit court to enforce the lien.

(b) The following persons shall be made parties to the proceeding:

(1) each person who has a recorded lien on the property that is sought to be subjected to the proceedings under this section; and

(2) each person who claims a right or interest in the property that is sought to be subjected to the proceedings under this section.

(c) The court, acting without a jury, shall:

(1) adjudicate all matters involved in the proceedings; and

(2) determine the merits of all claims or liens.

(d) If the claim of the obligee is established, the court may order:

(1) a sale of the property or rights to property; and

(2) a distribution of any proceeds of sale to the Administration or obligee.

§10–143.

Upon request of the Administration, a child support lien arising in another state may be recorded and enforced in the same manner and to the same extent as a lien arising under § 10-140 of this subtitle.

§10–144.

The remedies provided in this Part IV are in addition to and not in substitution for any other remedies.

§10–1A–01.

(a) In this subtitle the following words have the meanings indicated.

(b) "Child support order" means:

(1) any support order for a child issued by a tribunal; or

(2) an executed affidavit of support.

(c) "Party" means:

(1) the legal parent of a child;

(2) a caretaker with whom the child resides; or

(3) the Administration when:

(i) it has accepted an assignment of support under § 5–312(b)(2) of the Human Services Article; or

(ii) the child has been placed in the care and custody of the State.

(d) "Tribunal" has the meaning stated in § 10–301(z) of this title.

§10–1A–02.

(a) (1) An affidavit of support may be executed in the manner provided under this section if:

(i) a party is receiving child support enforcement services under Title IV, Part D, of the Social Security Act;

(ii) paternity of the child has been established;

(iii) a support conference has been conducted in which the Administration determined the amount of support in accordance with the child support guidelines provided in Title 12, Subtitle 2 of this article; and

(iv) the support conference resulted in an agreement by the parties.

(2) (i) The Administration shall set the amount of the support obligation in accordance with the guidelines.

(ii) Unless the Administration determines that application of the guidelines would be unjust or inappropriate in a particular case, the amount specified in the guidelines shall apply.

(iii) In determining whether application of the guidelines is unjust or inappropriate, the Administration may consider the factors stated in § 12-202 of this article.

(iv) If the Administration finds that application of the guidelines is unjust or inappropriate in a particular case, the Administration shall make a written finding on the record stating the reasons for departing from the guidelines.

(v) The Administration's finding shall state:

1. the amount of child support that would have been required under the guidelines;

2. how the affidavit of support varies from the guidelines;

3. how the finding serves the best interests of the child; and

4. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.

(b) An affidavit of support shall be completed on a standardized form developed by the Administration.

(c) (1) The completed affidavit of support form shall contain:

(i) a statement that the executed affidavit of support is a legal document and constitutes a legal finding of a support obligation;

(ii) the date of the signed affidavit of support;

(iii) the full names of the parties;

(iv) the full name and birth date of each child for whom support is to be paid;

(v) the support order amount, including an amount for current support, and an amount for arrears, if appropriate;

(vi) the frequency of child support to be paid, including the payment due date;

(vii) a provision for making child support payments payable to the State disbursement unit;

(viii) a provision for medical support;

(ix) a provision for immediate earnings withholding;

(x) a statement that if the obligor becomes delinquent in fulfilling the child support obligation, any enforcement remedy provided in accordance with State and federal law may be applied;

(xi) a statement that it is the responsibility of each party under the affidavit of support to advise the Administration of any change of address, employment, or medical support;

(xii) a statement that the provisions of the affidavit of support are subject to review by the Administration for possible modification on request of any party;

(xiii) a statement that the provisions of the affidavit of support remain in effect until the first of the following events occurs:

1. the child becomes an adult;

2. the child dies;

3. the child marries; or

4. the child becomes self-supporting;

(xiv) a statement that the provisions of the affidavit of support remain in effect until superseded by:

1. a court order; or

2. a subsequently executed affidavit of support;

(xv) any information that the Administration considers appropriate; and

(xvi) the signatures of all parties and the date of the signatures.

(2) Before completing an affidavit of support form, the parties shall be advised orally and in writing of the legal consequences of executing the affidavit and of the right to seek legal counsel.

(3) The Administration shall provide each party with a copy of the executed affidavit of support.

(d) An executed affidavit of support constitutes a legal finding of a support obligation, subject to the right of any party to:

(1) rescind the affidavit in writing to the Administration within 60 days after execution of the affidavit; or

(2) challenge the affidavit of support in court on the basis of fraud, duress, or material mistake of fact or that the affidavit of support is not in accordance with the child support guidelines.

(e) Within 30 days after expiration of the 60-day recission period specified in subsection (d)(1) of this section, the Administration shall file an affidavit of support with the clerk of a circuit court for approval by the court.

§10–1A–03.

(a) The Administration shall enforce and collect the support obligation, including any arrearages, from the date of execution.

(b) The affidavit of support shall have all of the force, effect, and attributes of a child support order issued by a tribunal, including the ability to be enforced by any and all enforcement remedies available to the Administration to enforce a child support order issued by a tribunal, including contempt of court proceedings.

(c) (1) If any party to the affidavit of support presents evidence to the Administration of a material change in circumstances since the entry of the last child support order, the parties may execute an affidavit of support in accordance with the Maryland child support guidelines.

(2) If there is a pre-existing child support order, the subsequently executed affidavit of support shall supersede the order unless and until overruled by a tribunal.

(d) All courts in this State shall recognize an affidavit of support issued by the Administration as a child support order.

(e) An executed affidavit of support does not preclude any subsequent proceedings under this article.

§10–201.

(a) A spouse may not willfully fail to provide for the support of the other spouse, without just cause.

(b) An individual who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 or imprisonment not exceeding 3 years or both.

(c) If an individual is convicted under this section, the court may order the individual to pay any fine wholly or partly to the spouse.

§10–202.

(a) Before trial and with the written consent of the accused individual, or on conviction of the individual under § 10-201 of this subtitle, instead of or in addition to imposing a penalty under § 10-201 of this subtitle, the court may:

(1) order the individual to pay spousal support periodically in a certain amount for 3 years; and

(2) place the individual on probation on the individual's entering into a recognizance.

(b) In passing the order, the court shall consider the financial circumstances of the accused individual.

(c) The accused individual shall make the payments to the spouse directly or through the appropriate support enforcement agency.

(d) The court may modify the order as circumstances require.

§10–203.

(a) A parent may not willfully fail to provide for the support of his or her minor child.

(b) A parent may not desert his or her minor child.

(c) An individual who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 or imprisonment not exceeding 3 years or both.

§10–204.

(a) Before trial and with the written consent of the accused individual, or on conviction of the individual under § 10-203 of this subtitle, instead of or in addition to imposing a penalty under § 10-203 of this subtitle, the court may:

(1) order the individual to pay child support periodically in a certain amount for 3 years, or, if there is an agreement with respect to support of the child, order the individual to make payments as provided in the agreement; and

(2) place the individual on probation on the individual's entering into a recognizance.

(b) In passing the order, the court shall consider the financial circumstances of the accused individual.

(c) The accused individual shall make the payments:

(1) to the person who has custody of the minor child, through the appropriate support enforcement agency; or

(2) if there is an agreement with respect to support of the child, to the recipient designated in the agreement.

(d) The court may modify the order as circumstances require.

§10–205.

(a) A recognizance ordered by the court under § 10-202 or § 10-204 of this subtitle shall be:

(1) in an amount that the court directs; and

(2) on the conditions that:

(i) if the individual is summoned to appear by the court within the 3-year probationary period, the individual shall appear; and

(ii) the individual shall pay support as ordered by the court.

(b) During the 3-year probationary period, if an individual fails to pay support under the court's order, the court may proceed to try or sentence the individual.

(c) The court may order that a forfeited recognizance be paid wholly or partly as provided in § 10-202(c) or § 10-204(c) of this subtitle, as appropriate.

§10–206.

(a) An order to pay support under this subtitle is a lien on the earnings of the accused individual.

(b) The court shall send a certified copy of each order that establishes a lien on earnings to the appropriate support enforcement agency. The support enforcement agency shall notify the individual's employer of the lien.

(c) On receipt of notice of the lien from the support enforcement agency, the employer shall:

(1) on a regular basis, deduct the amount of the lien from the individual's earnings; and

(2) send the deducted amount to the support enforcement agency.

§10–207.

(a) If the court sentences an individual who is convicted under § 10-201 or § 10-203 of this subtitle to the jurisdiction of the Division of Correction, the court may

order the Commissioner of Correction:

(1) to deduct an amount from any earnings of the individual; and

(2) to pay that amount at certain intervals:

(i) as provided in § 10-202(c) of this subtitle, if the individual is convicted of nonsupport of the individual's spouse under § 10-201 of this subtitle; or

(ii) as provided in § 10-204(c) of this subtitle, if the individual is convicted of nonsupport or desertion of the individual's minor child under § 10-203 of this subtitle.

(b) During the defendant's imprisonment, the court may modify or revoke the order.

§10–208.

(a) An individual who is charged with nonsupport of the individual's spouse may be prosecuted in the jurisdiction where the individual or the spouse resides.

(b) An individual who is charged with nonsupport or desertion of the individual's minor child may be prosecuted in the jurisdiction where the individual or the individual's minor child resides.

§10–209.

The commencement of a civil action for child support does not affect the jurisdiction of the court in a criminal action for nonsupport or desertion.

§10–212.

This Part II of this subtitle applies only to Baltimore City.

§10–213.

(a) On receipt of a complaint or on personal knowledge or information that an individual has violated § 10-201 or § 10-203 of this subtitle, the State's Attorney, a deputy State's Attorney, or an assistant State's Attorney may hold a pretrial inquiry.

(b) In connection with any pretrial inquiry under this section:

(1) the State's Attorney may issue a summons that requires a person other than the accused individual to appear, to testify, and to produce documents connected to the inquiry; and

(2) the State's Attorney, a deputy State's Attorney, or an assistant State's Attorney may:

(i) administer oaths;

(ii) examine witnesses; and

(iii) receive evidence.

(c) (1) If a person fails to obey a summons, or fails to testify or comply with a request of the State's Attorney, a deputy State's Attorney, or an assistant State's Attorney, the State's Attorney may request the circuit court to order the person:

(i) to obey the summons;

(ii) to testify; or

(iii) to produce any document that the court considers necessary for the inquiry.

(2) If a person fails or refuses to obey the order of court after the order has been served, the person is in contempt of court and the court may punish the person for the contempt.

(3) A finding of contempt under this subsection is subject to appeal.

§10–214.

Before the State's Attorney conducts an inquiry under § 10-213 of this subtitle, the State's Attorney shall notify the accused individual in writing of:

(1) the time and place of the inquiry;

(2) the accused individual's right to appear at the inquiry and to produce evidence or information that relates to the matters examined; and

(3) the accused individual's right to testify if the individual:

(i) notifies the State's Attorney of the individual's desire to testify; and

(ii) signs a waiver that permits the individual's testimony to be used against the individual in any later trial that arises from the inquiry.

§10–215.

(a) After a pretrial inquiry before the State's Attorney, a deputy State's Attorney, or an assistant State's Attorney, the State's Attorney may:

(1) file an information that charges the accused individual with nonsupport or desertion, as appropriate; or

(2) seek an indictment that charges the accused individual with nonsupport or desertion, as appropriate.

(b) After an information is filed and before trial, the court, with the written consent of the accused individual, may pass an order under § 10-202 or § 10-204 of this subtitle.

(c) If the accused individual fails or refuses to consent to a court order being passed, the individual has a right to be tried on the charge.

§10–216.

(a) The clerk of the court shall keep a docket known as the "domestic information docket".

(b) The domestic information docket shall contain the records and orders of each case brought under this Part II of this subtitle.

§10–219.

(a) An individual who has care, custody, or control of a minor child may not desert the child:

(1) with the intent that the child become a public charge; or

(2) without providing for the child's support for at least 3 years by a responsible individual or a licensed child care facility.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 or imprisonment not exceeding 1 year.

§10–301.

(a) In this subtitle the following words have the meanings indicated.

(b) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(c) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(d) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(e) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of

filing of a complaint or comparable pleading for support and, if a child is less than 6 months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

(f) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

(g) "Income withholding order" means an order or other legal process directed to an obligor's employer under Subtitle 1 of this title to withhold support from the income of the obligor.

(h) "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this subtitle or a law or procedure substantially similar to this subtitle.

(i) "Initiating tribunal" means the authorized tribunal in an initiating state.

(j) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(k) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

(l) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(m) "Obligee" means:

(1) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(2) a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

(3) an individual seeking a judgment determining parentage of the individual's child.

(n) "Obligor" means an individual or the estate of a decedent:

(1) who owes or is alleged to owe a duty of support;

(2) who is alleged but has not been adjudicated to be a parent of a child; or

(3) who is liable under a support order.

(o) "Person" means an individual, corporation, business trust, statutory

trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity.

(p) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(q) "Register" means to record a support order or judgment determining parentage in the registry of foreign support orders.

(r) "Registering tribunal" means a tribunal in which a support order is registered.

(s) "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this subtitle or a law or procedure substantially similar to this subtitle.

(t) "Responding tribunal" means the authorized tribunal in a responding state.

(u) "Spousal support order" means a support order for a spouse or former spouse of the obligor.

(v) (1) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(2) "State" includes:

(i) an Indian tribe; and

(ii) a foreign country or political subdivision that has:

1. been declared to be a foreign reciprocating country or political subdivision under federal law;

2. established a reciprocal arrangement for child support with this State as provided in § 10–320 of this subtitle; or

3. enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this subtitle.

(w) "Support enforcement agency" means a public official or agency authorized to seek:

(1) enforcement of support orders or laws relating to the duty of support;

(2) establishment or modification of child support;

(3) determination of parentage;

(4) the location of obligors or their assets; or

(5) determination of the controlling child support order.

(x) "Support order" means a judgment, decree, order, or directive whether temporary, final, or subject to modification, issued by a tribunal for the benefit of a child, a spouse, or a former spouse, that provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

(y) "Tribe" means a tribe, band, or village of Native Americans that is recognized by federal law or formally acknowledged by a state.

(z) "Tribunal" means a court, administrative agency, or quasi–judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

§10–302.

The circuit courts, and the Administration, in the context of an affidavit of support, are the tribunals of this State.

§10–303.

(a) Remedies provided by this subtitle are cumulative and do not affect the availability of remedies under other law, including the recognition of a support order of a foreign country or political subdivision on the basis of comity.

(b) This subtitle does not:

(1) provide the exclusive method of establishing or enforcing a support order under the law of this State; or

(2) grant a tribunal of this State jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this subtitle.

§10–304.

(a) In a proceeding to establish or enforce a support order or to determine parentage, a tribunal of this State may exercise personal jurisdiction over a nonresident individual if:

(1) the individual is personally served within this State;

(2) the individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in this State;

(4) the individual resided in this State and provided prenatal expenses or support for the child;

(5) the child resides in this State as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse; or

(7) there is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

(b) The bases of personal jurisdiction set forth in subsection (a) of this section or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of the State to modify a child support order of another state unless the requirements of §§ 10–350 and 10–353.1 of this subtitle are met.

§10–305.

Personal jurisdiction acquired by a tribunal of this State in a proceeding under this subtitle or other law of this State relating to a support order continues as long as a tribunal of this State has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided in §§ 10–308, 10–309, and 10–312.2 of this subtitle.

§10–306.

Under this subtitle, a tribunal of this State may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

§10–307.

(a) A tribunal of this State may exercise jurisdiction to establish a support order if the complaint or comparable pleading is filed after a complaint or comparable pleading is filed in another state only if:

(1) the complaint or comparable pleading in this State is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;

(2) the contesting party timely challenges the exercise of jurisdiction in the other state; and

(3) if relevant, this State is the home state of the child.

(b) A tribunal of this State may not exercise jurisdiction to establish a support order if the complaint or comparable pleading is filed before a complaint or comparable pleading is filed in another state if:

(1) the complaint or comparable pleading in the other state is filed before the expiration of the time allowed in this State for filing a responsive pleading challenging the exercise of jurisdiction by this State;

(2) the contesting party timely challenges the exercise of jurisdiction in this State; and

(3) if relevant, the other state is the home state of the child.

§10–308.

(a) A tribunal of this State that has issued a support order consistent with the law of this State has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and:

(1) at the time of filing of a request for modification this State is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) even if this State is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this State may continue to exercise jurisdiction to modify its order.

(b) A tribunal of this State that has issued a child support order consistent with the law of this State may not exercise continuing, exclusive jurisdiction to modify the order if:

(1) all of the parties who are individuals file consent in a record with the tribunal of this State that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

(2) its order is not the controlling order.

(c) If a tribunal of another state has issued a child support order pursuant to this subtitle or a law substantially similar to this subtitle that modifies a child support order of a tribunal of this State, tribunals of this State shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

(d) A tribunal of this State that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

§10–309.

(a) A tribunal of this State that has issued a child support order consistent with the law of this State may serve as an initiating tribunal to request a tribunal of another state to enforce:

(1) the order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to this subtitle; or

(2) a money judgment for arrears of support and interest on the order accrued before a determination that an order of another state is the controlling order.

(b) A tribunal of this State having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

§10–310.

(a) If a proceeding is brought under this subtitle and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

(b) If a proceeding is brought under this subtitle, and two or more child support orders have been issued by tribunals of this State or another state with regard to the same obligor and same child, a tribunal of this State having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls:

(1) if only one of the tribunals would have continuing, exclusive jurisdiction under this subtitle, the order of that tribunal controls and must be so recognized;

(2) if more than one of the tribunals would have continuing, exclusive jurisdiction under this subtitle, an order issued by a tribunal in the current home state of the child controls, but if an order has not been issued in the current home state of the child, the order most recently issued controls; or

(3) if none of the tribunals would have continuing, exclusive jurisdiction under this subtitle, the tribunal of this State shall issue a child support order, which controls.

(c) If two or more child support orders have been issued for the same obligor and same child, on request of a party who is an individual or support enforcement agency, a tribunal of this State having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (b) of this

section. The request may be filed with a registration for enforcement or registration for modification pursuant to Part VI of this subtitle, or may be filed as a separate proceeding.

(d) A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(e) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this section has continuing jurisdiction to the extent provided in § 10–308 or § 10–309 of this subtitle.

(f) A tribunal of this State that determines by order the controlling child support order under subsection (b)(1) or (2) or (c) of this section or that issues a new controlling child support order under subsection (b)(3) of this section, shall include in that order:

(1) the basis upon which the tribunal made its determination;

(2) the amount of prospective support, if any; and

(3) the total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by § 10–312 of this subtitle.

(g) Within 30 days after issuance of the order determining the controlling order, the party obtaining that order shall file a certified copy of it in each tribunal that had issued or registered an earlier order of child support. Failure of the party or support enforcement agency obtaining the order to file a certified copy as required subjects that party or support enforcement agency to appropriate sanctions by a tribunal in which the issue of failure to file arises, but that failure has no effect on the validity or enforceability of the controlling order.

(h) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section shall be recognized in proceedings under this subtitle.

§10–311.

In responding to registrations or requests for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this State shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this State.

§10–312.

A tribunal of this State shall credit amounts collected for a particular period pursuant to any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this State or another state.

§10–312.1.

A tribunal of this State exercising personal jurisdiction over a nonresident in a proceeding under this subtitle, under other law of this State relating to a support order, or recognizing a support order of a foreign country or political subdivision on the basis of comity may receive evidence from another state pursuant to § 10–328 of this subtitle, communicate with a tribunal of another state pursuant to § 10–329 of this subtitle, and obtain discovery through a tribunal of another state pursuant to § 10–330 of this subtitle. In all other respects, the provisions of Parts III through VII of this subtitle do not apply and the tribunal shall apply the procedural and substantive law of this State.

§10–312.2.

(a) A tribunal of this State issuing a spousal support order consistent with the law of this State has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

(b) A tribunal of this State may not modify a spousal support order issued by a tribunal of another state if the state has continuing, exclusive jurisdiction over the spousal support order under the law of that state.

(c) A tribunal of this State that has continuing, exclusive jurisdiction over a spousal support order may serve as:

(1) an initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this State; or

(2) a responding tribunal to enforce or modify its own spousal support order.

§10–313.

(a) Except as otherwise provided in this subtitle, Part III of this subtitle applies to all proceedings under this subtitle.

(b) An individual or a support enforcement agency may initiate a proceeding authorized under this subtitle by filing a complaint in an initiating tribunal for forwarding to a responding tribunal or by filing a complaint or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the defendant.

§10–314.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

§10–315.

Except as otherwise provided in this subtitle, a responding tribunal of this State shall:

(1) apply the procedural and substantive law generally applicable to similar proceedings originating in this State and may exercise all powers and provide all remedies available in those proceedings; and

(2) determine the duty of support and the amount payable in accordance with the law and support guidelines of this State.

§10–316.

(a) Upon the filing of a complaint authorized by this subtitle, an initiating tribunal of this State shall forward the complaint and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If requested by the responding tribunal, a tribunal of this State shall issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign country or political subdivision, on request, the tribunal shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding state.

§10–317.

(a) When a responding tribunal of this State receives a complaint or comparable pleading from an initiating tribunal or directly pursuant to § 10–313 of this subtitle, it shall cause the complaint or pleading to be filed and notify the plaintiff where and when it was filed.

(b) A responding tribunal of this State, to the extent not prohibited by other law, may do one or more of the following:

(1) issue or enforce a support order, modify a child support order,

determine the controlling child support order, or determine parentage;

(2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and State computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney's fees and other fees and costs; and

(12) grant any other available remedy.

(c) A responding tribunal of this State shall include in a support order issued under this subtitle, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of this State may not condition the payment of a support order issued under this subtitle upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of this State issues an order under this subtitle, the tribunal shall send a copy of the order to the plaintiff and the defendant and to the initiating tribunal, if any.

(f) If requested to enforce a support order, arrears, or judgment or to modify a support order stated in a foreign currency, a responding tribunal of this State shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official market exchange rate as publicly reported.

§10–318.

If a complaint or comparable pleading is received by an inappropriate tribunal of this State, the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal in this State or another state and notify the plaintiff where and when the pleading was sent.

§10–319.

(a) A support enforcement agency of this State, upon request, shall provide services to a plaintiff in a proceeding under this subtitle.

(b) A support enforcement agency of this State that is providing services to the plaintiff shall:

(1) take all steps necessary to enable an appropriate tribunal in this State or another state to obtain jurisdiction over the defendant;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within 2 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the plaintiff;

(5) within 2 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of communication in a record from the defendant or the defendant's attorney, send a copy of the communication to the plaintiff; and

(6) notify the plaintiff if jurisdiction over the defendant cannot be obtained.

(c) A support enforcement agency of this State that requests registration of a child support order in this State for enforcement or for modification shall make reasonable efforts to ensure that:

(1) the order to be registered is the controlling order; or

(2) if two or more child support orders exist and the identity of the controlling order has not been determined, a request for a determination of the controlling order is made in a tribunal having jurisdiction to do so.

(d) A support enforcement agency of this State that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amount stated in the foreign currency into the equivalent amount in dollars

under the applicable official market exchange rate as publicly reported.

(e) A support enforcement agency of this State shall request a tribunal of this State to issue a child support order and an income withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to § 10–331 of this subtitle.

(f) This subtitle does not create a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency. The attorney representing the support enforcement agency shall advise the person being assisted by the agency that the attorney's representation of the Administration does not create an attorney–client relationship between the attorney and that person.

§10–320.

(a) If the Attorney General determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Attorney General may order the agency to perform its duties under this subtitle or may provide those services directly to the individual.

(b) The Attorney General may determine that a foreign country or political subdivision has established a reciprocal arrangement for child support with this State and take appropriate action for notification of the determination.

§10–321.

An individual may employ private counsel to represent the individual in proceedings authorized by this subtitle.

§10–322.

(a) The Child Support Enforcement Administration is the State information agency under this subtitle.

(b) The State information agency shall:

(1) compile and maintain a current list, including addresses, other tribunals in this State which have jurisdiction under this subtitle, and any support enforcement agencies in this State and transmit a copy to the state information agency of every other state;

(2) maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the county in this State in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this subtitle

received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, drivers' licenses, and Social Security.

§10–323.

(a) In a proceeding under this subtitle, a plaintiff seeking to establish a support order, to determine parentage, or to register and modify a support order of another state must file a complaint. Unless otherwise ordered under § 10–324 of this subtitle, the complaint or accompanying documents must provide, so far as known, the name, residential address, and Social Security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, Social Security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the complaint must be accompanied by a copy of any support order known to have been issued by another tribunal. The complaint may include any other information that may assist in locating or identifying the defendant.

(b) The complaint must specify the relief sought. The complaint and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

§10–324.

If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information shall be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

§10–325.

(a) The plaintiff may not be required to pay a filing fee or other costs.

(b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other

law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

(c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Part VI of this subtitle a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

§10–326.

(a) Participation by a plaintiff in a proceeding under this subtitle before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the plaintiff in another proceeding.

(b) A plaintiff is not amenable to service of civil process while physically present in this State to participate in a proceeding under this subtitle.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this subtitle committed by a party while present in this State to participate in the proceeding.

§10–327.

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this subtitle.

§10–328.

(a) The physical presence of a nonresident party who is an individual in a tribunal of this State is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(d) Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to a tribunal of this State by telephone, telecopier, or other means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this subtitle, a tribunal of this State shall permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this State shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self–incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) Laws attaching a privilege against the disclosure of communications between husband and wife do not apply to proceedings under this subtitle.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this subtitle.

(j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

§10–329.

A tribunal of this State may communicate with a tribunal of another state or foreign country or political subdivision in a record, or by telephone or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state or foreign country or political subdivision. A tribunal of this State may furnish similar information by similar means to a tribunal of another state or foreign country or political subdivision.

§10–330.

A tribunal of this State may:

(1) request a tribunal of another state to assist in obtaining discovery; and

(2) upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

§10–331.

(a) A support enforcement agency or tribunal of this State shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

(b) If the obligor, the obligee who is an individual, and the child do not reside in this State, on request from the support enforcement agency of this State or another state, the support enforcement agency of this State or a tribunal of this State shall:

(1) direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and

(2) issue and send to the obligor's employer a conforming income–withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(c) The support enforcement agency of this State receiving redirected payments from another state pursuant to a law similar to subsection (b) of this section shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

§10–332.

(a) If a support order entitled to recognition under this subtitle has not been issued, a responding tribunal of this State may issue a support order if:

(1) the individual seeking the order resides in another state; or

(2) the support enforcement agency seeking the order is located in another state.

(b) The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

(1) a presumed father of the child;

(2) petitioning to have his paternity adjudicated;

(3) identified as the father of the child through genetic testing;

(4) an alleged father who has declined to submit to genetic testing;

(5) shown by clear and convincing evidence to be the father of the child;

(6) an acknowledged father as provided by § 5–306(a)(6) of this article;

(7) the mother of the child; or

(8) an individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to § 10–317 of this subtitle.

§10–333.

An income withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person defined as the obligor's employer under Subtitle 1 of this title without first filing a request for service of the order or comparable pleading or registering the order with a tribunal of this State.

§10–334.

(a) Upon receipt of an income withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this State.

(c) Except as otherwise provided in subsection (d) of this section and § 10–335 of this subtitle, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

(1) the duration and the amount of periodic payments of current child support, stated as a sum certain;

(2) the person designated to receive payment and the address to which the payments are to be forwarded;

(3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(1) the employer's fee for processing an income withholding order;

(2) the maximum amount permitted to be withheld from the obligor's income; and

(3) the time periods within which the employer must implement the withholding order and forward the child support payment.

§10–335.

If the obligor's employer receives two or more orders to withhold support from the earnings of the same obligor, the employer shall be deemed to have satisfied the terms of the orders if the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for two or more child support obligees is complied with.

§10–336.

An employer who complies with an income withholding order issued in another state in accordance with this subtitle is not subject to civil liability to any individual or agency with regard to the employer's withholding child support from the obligor's income.

§10–337.

An employer who willfully fails to comply with an income withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this State.

§10–338.

(a) An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this State by registering the order in a tribunal of this State and filing a contest to that order as provided in Part VI of this subtitle, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this State.

(b) The obligor shall give notice of the contest to:

(1) a support enforcement agency providing services to the obligee;

(2) each employer that has directly received an income withholding order relating to the obligor; and

(3) the person designated to receive payments in the income withholding order or, if no person is designated, to the obligee.

§10–339.

(a) A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this State.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any

administrative procedure authorized by the law of this State to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this subtitle.

§10–340.

A support order or income withholding order issued by a tribunal of another state may be registered in this State for enforcement.

§10–341.

(a) A support order or income withholding order of another state may be registered in this State by sending the following records and information to the appropriate tribunal in this State:

(1) a letter of transmittal to the tribunal requesting registration and enforcement;

(2) two copies, including one certified copy, of the order to be registered, including any modification of the order;

(3) a sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) the name of the obligor and, if known:

(i) the obligor's address and Social Security number;

(ii) the name and address of the obligor's employer and any other source of income of the obligor; and

(iii) a description and the location of property of the obligor in this State not exempt from execution; and

(5) except as provided in § 10–324 of this subtitle, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A complaint or comparable pleading seeking a remedy that must be affirmatively sought under other law of this State may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

(d) If two or more orders are in effect, the person requesting registration shall:

(1) furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;

(2) specify the order alleged to be the controlling order, if any; and

(3) specify the amount of consolidated arrears, if any.

(e) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

§10–342.

(a) A support order or income withholding order issued in another state is registered when the order is filed in the registering tribunal of this State.

(b) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this State.

(c) Except as otherwise provided in this article, a tribunal of this State shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

§10–343.

(a) Except as otherwise provided in subsection (d) of this section, the law of the issuing state governs:

(1) the nature, extent, amount, and duration of current payments under a registered support order;

(2) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and

(3) the existence and satisfaction of other obligations under the support order.

(b) In a proceeding for arrears under a registered support order, the statute of limitation of this State or of the issuing state, whichever is longer, applies.

(c) A responding tribunal of this State shall apply the procedures and remedies of this State to enforce current support and collect arrears and interest due on a support order of another state registered in this State.

(d) After a tribunal of this or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this State shall

prospectively apply the law of the state issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

§10–344.

(a) When a support order or income withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. Notice must be given by first–class, certified, or registered mail or by any means of personal service authorized by the law of this State. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) A notice must inform the nonregistering party:

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this State;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the date of mailing or personal service of the notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) If the registering party asserts that two or more orders are in effect, a notice must also:

(1) identify the two or more orders and the order alleged by the registering person to be the controlling order and the consolidated arrears, if any;

(2) notify the nonregistering party of the right to a determination of which is the controlling order;

(3) state that the procedures provided in subsection (b) of this section apply to the determination of which is the controlling order; and

(4) state that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

(d) Upon registration of an income withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to Subtitle 1 of this title.

§10–345.

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this State shall request a hearing within 20 days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to § 10–346 of this subtitle.

(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

§10–346.

(a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(1) the issuing tribunal lacked personal jurisdiction over the contesting party;

(2) the order was obtained by fraud;

(3) the order has been vacated, suspended, or modified by a later order;

(4) the issuing tribunal has stayed the order pending appeal;

(5) there is a defense under the law of this State to the remedy sought;

(6) full or partial payment has been made;

(7) the statute of limitation under § 10–343 of this subtitle precludes enforcement of some or all of the alleged arrearages; or

(8) the alleged controlling order is not the controlling order.

(b) If a party presents evidence establishing a full or partial defense under subsection (a) of this section, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this State.

(c) If the contesting party does not establish a defense under subsection (a) of this section to the validity or enforcement of the order, the registering tribunal shall

issue an order confirming the order.

§10–347.

Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

§10–348.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this State in the same manner provided in Subpart A of this part if the order has not been registered. A complaint for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

§10–349.

A tribunal of this State may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this State, but the registered order may be modified only if the requirements of § 10–350, § 10–352, or § 10–353.1 of this subtitle have been met.

§10–350.

(a) If § 10–352 of this subtitle does not apply, except as otherwise provided in § 10–353.1 of this subtitle, on the filing of a complaint, a tribunal of this State may modify a child support order issued in another state that is registered in this State if, after notice and hearing, the tribunal finds that:

(1) the following requirements are met:

(i) neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;

(ii) a plaintiff who is a nonresident of this State seeks modification; and

(iii) the defendant is subject to the personal jurisdiction of the tribunal of this State; or

(2) this State is the state of residence of the child or a party who is an individual is subject to the personal jurisdiction of the tribunal of this State and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing, exclusive jurisdiction.

(b) Modification of a registered child support order is subject to the same

requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this State, and the order may be enforced and satisfied in the same manner.

(c) Except as otherwise provided in § 10–353.1 of this subtitle, a tribunal of this State may not modify any provision of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under the provisions of § 10–310 of this subtitle establishes the provisions of the support order which are nonmodifiable.

(d) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this State.

(e) On issuance of an order by a tribunal of this State modifying a child support order issued in another state, the tribunal of this State becomes the tribunal of continuing, exclusive jurisdiction.

§10–351.

If a child support order issued by a tribunal of this State is modified by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of this State:

(1) may enforce its order that was modified only as to arrears and interest accruing before the modification;

(2) may provide appropriate relief for violations of its order which occurred before the effective date of the modification; and

(3) shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

§10–352.

(a) If all of the parties who are individuals reside in this State and the child does not reside in the issuing state, a tribunal of this State has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(b) A tribunal of this State exercising jurisdiction under this section shall apply the provisions of Parts I and II of this subtitle, this part, and the procedural and substantive law of this State to the proceeding for enforcement or modification. Parts III, IV, V, VII, and VIII of this subtitle do not apply.

§10–353.

Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises, but the failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

§10–353.1.

(a) If a foreign country or political subdivision that is a state does not or may not modify its order pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child support order otherwise required of the individual in accordance with § 10–350 of this subtitle has been given or whether the individual seeking modification is a resident of this State or of the foreign country or political subdivision.

(b) An order issued pursuant to this section is the controlling order.

§10–354.

A court of this State authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage brought under this subtitle or a law or procedure substantially similar to this subtitle.

§10–355.

(a) For purposes of this Part VIII, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this subtitle.

(b) The Governor of this State may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this State with having failed to provide for the support of an obligee; or

(2) on the demand by the governor of another state, surrender an individual found in this State who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with this subtitle applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

§10–356.

(a) Before making a demand that the governor of another state surrender an individual charged criminally in this State with having failed to provide for the support of an obligee, the Governor of this State may require a prosecutor of this State to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this subtitle or that the proceeding would be of no avail.

(b) If, under this subtitle or a law substantially similar to this subtitle, the governor of another state makes a demand that the Governor of this State surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the Governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the Governor may decline to honor the demand. If the plaintiff prevails and the individual whose rendition is demanded is subject to a support order, the Governor may decline to honor the demand if the individual is complying with the support order.

§10–357.

In applying and construing this subtitle, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§10–358.

If any provision of this subtitle or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this subtitle which can be given effect without the invalid provision or application, and to this end the provisions of this subtitle are severable.

§10–359.

This subtitle may be cited as the Maryland Uniform Interstate Family Support Act.

§11–101.

(a) The court may award alimony:

(1) on a bill of complaint for alimony; or

(2) as a part of a decree that grants:

(i) an annulment;

(ii) a limited divorce; or

(iii) an absolute divorce.

(b) The court may award alimony to either party.

(c) If a final disposition as to alimony has been made in an agreement between the parties, the court is bound by that agreement as the agreement relates to alimony.

(d) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, the court may not award alimony on a bill of complaint for alimony to the spouse of a resident in a related institution as defined in § 19-301 of the Health - General Article, if the petitioner attempts to satisfy the separation grounds for divorce under §§ 7-102 and 7-103 of this article based on the spouse's residence in the related institution.

§11–102.

(a) Except as provided in subsection (b) of this section, in a proceeding for divorce, alimony, or annulment of marriage, the court may award alimony pendente lite to either party.

(b) The court may not award alimony pendente lite in a proceeding for alimony on a bill of complaint for alimony to the spouse of a resident in a related institution as defined in § 19-301 of the Health - General Article if the petitioner attempts to satisfy the separation grounds for divorce under §§ 7-102 and 7-103 of this article based on the spouse's residence in a related institution.

§11–103.

The existence of a ground for divorce against the party seeking alimony is not an automatic bar to the court awarding alimony to that party.

§11–104.

(a) In a proceeding for a limited or absolute divorce, the court may award to the plaintiff alimony as a part of a decree granting a divorce or alimony pendente lite, if:

(1) the bill of complaint asks for alimony and says that the defendant owns property in this State; and

(2) the court lacks or is unable to exercise personal jurisdiction over the defendant.

(b) Any alimony or alimony pendente lite that is awarded under this section is payable only from the property referred to in the bill of complaint or the proceeds of that property. The court may pass any order regarding the property that is necessary

to make the award effective.

§11–105.

If an annulment or a limited or absolute divorce has been granted by a court in another jurisdiction, a court in this State may award alimony to either party if:

(1) the court in the other jurisdiction lacked or did not exercise personal jurisdiction over the party seeking alimony; and

(2) the party seeking alimony was domiciled in this State at least 1 year before the annulment or divorce was granted.

§11–106.

(a) (1) The court shall determine the amount of and the period for an award of alimony.

(2) The court may award alimony for a period beginning from the filing of the pleading that requests alimony.

(3) At the conclusion of the period of the award of alimony, no further alimony shall accrue.

(b) In making the determination, the court shall consider all the factors necessary for a fair and equitable award, including:

(1) the ability of the party seeking alimony to be wholly or partly self-supporting;

(2) the time necessary for the party seeking alimony to gain sufficient education or training to enable that party to find suitable employment;

(3) the standard of living that the parties established during their marriage;

(4) the duration of the marriage;

(5) the contributions, monetary and nonmonetary, of each party to the well-being of the family;

(6) the circumstances that contributed to the estrangement of the parties;

(7) the age of each party;

(8) the physical and mental condition of each party;

(9) the ability of the party from whom alimony is sought to meet that party's needs while meeting the needs of the party seeking alimony;

(10) any agreement between the parties;

(11) the financial needs and financial resources of each party, including:

(i) all income and assets, including property that does not produce income;

(ii) any award made under §§ 8-205 and 8-208 of this article;

(iii) the nature and amount of the financial obligations of each party; and

(iv) the right of each party to receive retirement benefits; and

(12) whether the award would cause a spouse who is a resident of a related institution as defined in § 19-301 of the Health - General Article and from whom alimony is sought to become eligible for medical assistance earlier than would otherwise occur.

(c) The court may award alimony for an indefinite period, if the court finds that:

(1) due to age, illness, infirmity, or disability, the party seeking alimony cannot reasonably be expected to make substantial progress toward becoming self-supporting; or

(2) even after the party seeking alimony will have made as much progress toward becoming self-supporting as can reasonably be expected, the respective standards of living of the parties will be unconscionably disparate.

§11–107.

(a) Subject to § 8-103 of this article, the court may extend the period for which alimony is awarded, if:

(1) circumstances arise during the period that would lead to a harsh and inequitable result without an extension; and

(2) the recipient petitions for an extension during the period.

(b) Subject to § 8-103 of this article and on the petition of either party, the court may modify the amount of alimony awarded as circumstances and justice require.

§11–108.

Unless the parties agree otherwise, alimony terminates:

(1) on the death of either party;

(2) on the marriage of the recipient; or

(3) if the court finds that termination is necessary to avoid a harsh and inequitable result.

§11–109.

(a) In this section "designee" means:

(1) a support enforcement agency that is authorized by law to receive alimony payments for the recipient; or

(2) a person who is designated by the court as trustee or guardian to receive alimony payments for the recipient.

(b) The court may order that alimony payments be made to a designee.

(c) A designee shall:

(1) send the payments to the recipient; and

(2) keep a record of:

(i) the amount of each payment;

(ii) the date that each payment must be made; and

(iii) the name and address of each party.

(d) Each party shall inform the designee of:

(1) any change of address; or

(2) any other fact that might affect the administration of the order.

(e) If the party who is required to pay alimony fails to make a payment, the designee or the recipient may bring an enforcement proceeding.

(f) The State's Attorney may represent the designee in any enforcement proceeding that is brought under this section.

§11–110.

(a) (1) In this section the following words have the meanings indicated.

(2) "Proceeding" includes a proceeding for:

(i) alimony;

(ii) alimony pendente lite;

(iii) modification of an award of alimony; and

(iv) enforcement of an award of alimony.

(3) "Reasonable and necessary expense" includes:

(i) suit money;

(ii) counsel fees; and

(iii) costs.

(b) At any point in a proceeding under this title, the court may order either party to pay to the other party an amount for the reasonable and necessary expense of prosecuting or defending the proceeding.

(c) Before ordering the payment, the court shall consider:

(1) the financial resources and financial needs of both parties; and

(2) whether there was substantial justification for prosecuting or defending the proceeding.

(d) Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party the reasonable and necessary expense of prosecuting or defending the proceeding.

(e) The court may award reimbursement for any reasonable and necessary expense that has previously been paid.

(f) As to any amount awarded for counsel fees, the court may:

(1) order that the amount awarded be paid directly to the lawyer; and

(2) enter judgment in favor of the lawyer.

§11–111.

(a) In accordance with the provisions of § 15-408 of the Insurance Article, the court may, either after a divorce is granted or pendente lite, allocate between the parties any additional costs of providing hospital, medical, or surgical benefits under a group contract or require continuation or reinstatement of such benefits.

(b) A court may, either after a divorce or pendente lite, allocate between the parties any expenses incurred for continuation of hospital, medical, or surgical benefits made available under a group contract in accordance with federal law.

§11–112.

When granting a limited divorce, an absolute divorce, or an annulment, if the court finds from the testimony of 2 or more physicians competent in psychiatry that 1 of the parties is permanently and incurably insane with no hope of recovery, then, notwithstanding any agreement between the parties, the court may require a party to:

(1) pay alimony or support for the benefit of the insane party;

(2) pay a lump sum, based on the life expectancy of the insane party and the financial condition of the other party, together with the insane party's reasonable funeral expenses; or

(3) give bond to this State conditioned on the payment for:

(i) the care and support of the insane party for the rest of the insane party's life; and

(ii) the insane party's reasonable funeral expenses.

§12–101.

(a) (1) Unless the court finds from the evidence that the amount of the award will produce an inequitable result, for an initial pleading that requests child support pendente lite, the court shall award child support for a period from the filing of the pleading that requests child support.

(2) Notwithstanding paragraph (1) of this subsection, unless the court finds from the evidence that the amount of the award will produce an inequitable result, for an initial pleading filed by a child support agency that requests child support, the court shall award child support for a period from the filing of the pleading that requests child support.

(3) For any other pleading that requests child support, the court may award child support for a period from the filing of the pleading that requests child support.

(b) The court shall give credit for payments that the court finds have been made during the period beginning from the filing of the pleading that requests child support.

(c) Any support order or modification of a support order that is passed on or after July 1, 1997 shall include a statement that:

(1) each party is required to notify the court and any support enforcement agency ordered to receive payments, within 10 days of any change of address or employment; and

(2) failure to comply with paragraph (1) of this subsection may result in a

party not receiving notice of the initiation of a proceeding to modify or enforce a support order.

(d) (1) The court may order either parent to pay all or part of:

(i) the mother's medical and hospital expenses for pregnancy, confinement, and recovery; and

(ii) medical support for the child, including neonatal expenses.

(2) Subject to the right of any party to subpoena a custodian of records at least 10 days before trial, any records relating to the cost of the mother's medical and hospital expenses for pregnancy, childbirth, and recovery and any neonatal expenses of the child shall be admissible in evidence without the presence of a custodian of record and shall constitute prima facie evidence of the amount of expenses incurred.

§12–102.

(a) (1) In this section the following words have the meanings indicated.

(2) "Accessible" means health insurance coverage that insures primary care services located within the lesser of 30 miles or 30 minutes from the child's primary residence.

(3) "Actual income" has the meaning stated in § 12–201(b) of this title.

(4) "Adjusted actual income" has the meaning stated in § 12–201 of this title.

(5) "Basic child support obligation" has the meaning stated in § 12–201 of this title.

(6) "Cash medical support" means an amount paid:

(i) toward the cost of health insurance provided by:

1. a public entity; or

2. one or both parents through employment or otherwise; or

(ii) for other medical costs not covered by insurance, including extraordinary medical expenses.

(7) "Extraordinary medical expenses" has the meaning stated in § 12–201 of this title.

(8) "Health insurance coverage" means any type of health care coverage under which medical care services can be provided to the child through an insurer.

(9) "Insurer" means:

(i) an insurer, a nonprofit health service organization, or a health maintenance organization operating in this State under a certificate of authority issued by the Maryland Insurance Commissioner;

(ii) an entity that provides a group health plan, as defined in § 607(1) of the Employee Retirement Income Security Act of 1974; or

(iii) an entity offering a service benefit plan as defined by federal law.

(10) "Medical support notice" means a notice that is:

(i) in a format prescribed by federal law; and

(ii) issued by a child support agency to enforce the health insurance coverage provisions of a child support order.

(11) "Tribunal" has the meaning stated in § 10–301 of this article.

(b) Except as provided in subsection (c) of this section, the court may include in any support order a provision requiring either parent to include the child in the parent's health insurance coverage if:

(1) the parent can obtain health insurance coverage through an employer or any form of group health insurance coverage; and

(2) the child can be included at a reasonable cost to the parent in that health insurance coverage.

(c) (1) This subsection applies only to a child support order under Title IV, Part D of the Social Security Act.

(2) (i) The court shall include in any support order that is established or modified a provision requiring one or both parents to include the child in the parent's health insurance coverage if:

1. the parent can obtain health insurance coverage through an employer or any form of group health insurance coverage;

2. the child can be included at a reasonable cost to the parent in that health insurance coverage; and

3. the health insurance coverage is accessible to the child.

(ii) For purposes of subparagraph (i)2 of this paragraph, the cost of health insurance coverage is reasonable if the cost of adding the child to existing health insurance coverage, or the difference between self–only and family coverage, does not exceed 5% of the actual income of the parent ordered to pay for health

insurance coverage.

(3) If health insurance coverage at a reasonable cost is not available at the time a support order is established or modified, the court:

(i) may include a provision requiring one or both parents to include the child in the parent's health insurance coverage as described in paragraph (2) of this subsection if health insurance coverage at a reasonable cost becomes available in the future; and

(ii) shall include a provision requiring one or both parents to provide cash medical support in an amount not to exceed 5% of the actual income of the parent ordered to provide cash medical support.

(4) In addition to requiring one or both parents to provide health insurance coverage, the court may order one or both parents to provide cash medical support in an amount not to exceed 5% of the actual income of the parent ordered to provide cash medical support.

(5) Cash medical support ordered under this subsection shall be added to the basic child support obligation and divided by the parents in proportion to their adjusted actual incomes.

(6) The court may not order the obligee to pay cash medical support toward the cost of health insurance provided by a public entity for which the obligee does not pay a premium, including the Maryland Children's Health Program under Title 15, Subtitle 3 of the Health – General Article.

(d) An order of a court requiring the provision of health insurance coverage for a child may be issued separate from or in conjunction with an earnings withholding order.

(e) (1) If a court orders a parent to provide health insurance coverage under this section, the parent under the order or the support enforcement agency shall send a copy of the order or medical support notice to the parent's employer by first–class mail, separate from or in conjunction with an earnings withholding order, as provided in § 10–123 of this article.

(2) Within 20 business days after the receipt of the order or medical support notice, the employer shall:

(i) send the appropriate part of the medical support notice to the employer's insurer;

(ii) if the employer determines that, based on reasons related to the employee's employment status, the employee's child is ineligible for health insurance coverage, complete the appropriate part of the medical support notice and return it to the issuing child support agency;

(iii) permit the parent, a child support enforcement agency, or the Department of Health and Mental Hygiene to enroll the child in any health insurance coverage available to the parent without regard to any enrollment season restrictions;

(iv) provide a statement to the support enforcement agency and to both parents that the child:

1. has been enrolled in health insurance coverage;

2. will be enrolled in health insurance coverage and that the expected date of enrollment will be provided; or

3. cannot be enrolled in health insurance coverage; and

(v) provide information to both parents and to the support enforcement agency concerning the available health insurance coverage, including:

1. the employee's Social Security number;

2. the name, address, and telephone number of the insurer;

3. the policy number;

4. the group number;

5. the effective date of coverage; and

6. any schedule of benefits.

(f) On receipt of the order or medical support notice, the employer:

(1) if the employee's child is eligible for health insurance coverage, shall withhold from the employee's next earnings the amount of the employee contribution required to enroll the employee's child;

(2) if the employee's child is not currently eligible for health insurance coverage but will become eligible, shall withhold from the employee's earnings, at the earliest time the employee's child becomes eligible, the amount of the employee contribution required to enroll the employee's child; or

(3) if federal or State withholding limitations or prioritization prevent withholding from the employee's wages the amount required for enrollment, shall complete and send, to the issuing child support agency, the appropriate part of the medical support notice indicating the employee's income is insufficient for enrollment.

(g) (1) To the extent consistent with the federal Consumer Credit Protection Act, the employer shall deduct the premiums for health insurance coverage from the earnings of the employee on a regular and continuing basis and pay the premiums to the insurer.

(2) The employer shall send to the insurer the amount deducted from the employee's earnings each pay period within 10 business days after the day on which the earnings are paid to the employee.

(h) An employer or the child's parents may not disenroll or eliminate coverage for the child in any manner unless:

(1) the employer is provided satisfactory written evidence that:

(i) the court order is no longer in effect; or

(ii) the child has been or will be enrolled under other reasonable health insurance coverage, with the coverage to take effect no later than the effective date of disenrollment;

(2) the employer has eliminated family health coverage for all of its employees; or

(3) the employer no longer employs the parent under whose name the child has been enrolled for coverage except to the extent that if the parent elects to exercise the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) then coverage must be provided for the child consistent with the employer's plan relating to postemployment medical coverage for dependents.

(i) (1) If the health insurance coverage for the child terminates, the employer shall notify the other parent and, if a support enforcement agency is involved in the case, the support enforcement agency within 15 days of termination of the insurance.

(2) If, after a lapse in health insurance coverage, health insurance coverage becomes available to the employee for the child, the employer shall:

(i) enroll the child in health insurance coverage without regard to any enrollment season restrictions; and

(ii) within 15 days after health insurance coverage becomes available, provide notice to the support enforcement agency and the other parent of the enrollment.

(j) Subject to the provisions of this section, the parent or the support enforcement agency may bring a civil action against an employer who willfully violates the provisions of this section.

(k) This section does not limit the authority of a court to enter, modify, or enforce an order requiring payment of uninsured health expenses, health care costs, or health insurance premiums.

(l) An employer may not use the existence of an order or a medical support notice requiring health insurance coverage as a basis for:

(1) reprisal against an employee;

(2) dismissal of an employee from employment; or

(3) refusal to hire a person or to promote an employee.

(m) An order entered under this section is binding on a present and future employer of the parent on whom a copy of this order is served.

§12–102.1.

(a) A medical support notice:

(1) may be issued by a child support agency in any child support case in which a circuit court of this State or tribunal of another jurisdiction has ordered a parent to include the child in the parent's health insurance coverage; and

(2) shall be issued by a child support agency in all child support cases enforced by the Administration in which a noncustodial parent's employer is known and a circuit court of this State or tribunal of another jurisdiction has ordered the parent to include the child in the parent's health insurance coverage, unless the court order or administrative order provides for alternative health insurance coverage.

(b) A medical support notice shall:

(1) be in a format approved by the federal government;

(2) be a separate document that does not include any other orders or pleadings; and

(3) include the following information:

(i) a statement explaining the employer's obligations under this subtitle to withhold any employee contributions due in connection with health insurance coverage for the employee's child;

(ii) a statement explaining that, subject to further orders of the circuit court of this State or tribunal of another jurisdiction, the employer is required to withhold the appropriate amount on a regular and continuing basis beginning with the next pay period after receipt of the appropriate part of the medical support notice indicating the employee's child is eligible for enrollment;

(iii) an explanation of the application of the federal Consumer Credit Protection Act limits;

(iv) an explanation of the applicability of any prioritization required when available funds are insufficient for full withholding for both child support and medical support;

(v) any other information that the employer needs to comply with the medical support notice;

(vi) a statement that failure to comply with the medical support notice without good cause may subject the employer or carrier to civil penalties;

(vii) a statement of the employee's right to contest the withholding based on a mistake of fact; and

(viii) the name and telephone number of the appropriate person to contact at the Administration about the medical support notice.

(c) Subject to federal law, a medical support notice has priority over any other lien or legal process, except for current support and support arrears withheld under an earnings withholding order or notice.

(d) A medical support notice that is completed appropriately and satisfies the conditions of § 609(a) of Title I of the Employee Retirement Income Security Act shall:

(1) be treated as a qualified medical child support order by a carrier;

(2) have the same force and effect as a qualified medical child support order; and

(3) be enforceable in the same manner as a qualified medical child support order.

(e) A medical support notice issued in another state shall be enforced in the same manner as a medical support notice issued in this State.

§12–102.2.

An administrative order or a medical support notice for health insurance coverage issued in any other state or territory will be enforced to the same extent in a proceeding under this subtitle as an order or a medical support notice for health insurance coverage issued in this State.

§12–102.3.

(a) (1) This section applies to administrative contests of withholdings from an employee's earnings made by an employer for the purpose of complying with this title.

(2) Nothing in this section may be construed to limit an employee's right to judicially contest an underlying court order requiring the employee to provide health insurance coverage for the employee's child.

(b) (1) An employee may only contest a withholding under this section based on a mistake of fact.

(2) The only issues that may be contested are:

(i) the identity of the employee;

(ii) whether there is an underlying court order requiring the employee to provide health insurance coverage for the employee's child;

(iii) that the amount of the withholding exceeds the limits of the federal Consumer Credit Protection Act; and

(iv) that the child for whom health insurance coverage is sought is emancipated.

(c) An employee may contest a withholding by sending a written request for an investigation to the Administration within 15 days after receiving notice of the withholding from the employer.

(d) If an employee requests an investigation, the Administration:

(1) shall conduct an investigation within 15 days after the request; and

(2) on completion of the investigation, shall notify the employee of the results of the investigation and the employee's right to appeal the decision of the Administration to the Office of Administrative Hearings.

(e) (1) (i) An employee may appeal the Administration's decision to the Office of Administrative Hearings by filing a written request for a hearing with the Administration or the Office of Administrative Hearings.

(ii) The request for a hearing shall be made:

1. on a form provided by the Administration; and

2. within 15 days after receiving the written results of the Administration's investigation.

(2) The only issues that may be contested in an administrative hearing are:

(i) the identity of the employee;

(ii) whether there is an underlying court order requiring the employee to provide health insurance coverage for the employee's child;

(iii) that the amount of the withholding exceeds the limits of the federal Consumer Credit Protection Act; and

(iv) that the child for whom health insurance coverage is sought is emancipated.

(3) An appeal under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(f) Enrollment of the employee's child may not be stayed or terminated until the employer receives written notice that the contest is resolved in the employee's favor.

§12–103.

(a) The court may award to either party the costs and counsel fees that are just and proper under all the circumstances in any case in which a person:

(1) applies for a decree or modification of a decree concerning the custody, support, or visitation of a child of the parties; or

(2) files any form of proceeding:

(i) to recover arrearages of child support;

(ii) to enforce a decree of child support; or

(iii) to enforce a decree of custody or visitation.

(b) Before a court may award costs and counsel fees under this section, the court shall consider:

(1) the financial status of each party;

(2) the needs of each party; and

(3) whether there was substantial justification for bringing, maintaining, or defending the proceeding.

(c) Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party costs and counsel fees.

§12–104.

(a) The court may modify a child support award subsequent to the filing of a motion for modification and upon a showing of a material change of circumstance.

(b) The court may not retroactively modify a child support award prior to the date of the filing of the motion for modification.

§12–104.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Administration" has the meaning stated in § 10–101 of this article.

(3) "Obligee" has the meaning stated in § 10–101 of this article.

(4) "Obligor" has the meaning stated in § 10–101 of this article.

(b) A child support payment is not past due and arrearages may not accrue during any period when the obligor is incarcerated, and continuing for 60 days after the obligor's release from confinement, if:

(1) the obligor was sentenced to a term of imprisonment of 18 consecutive months or more;

(2) the obligor is not on work release and has insufficient resources with which to make payment; and

(3) the obligor did not commit the crime with the intent of being incarcerated or otherwise becoming impoverished.

(c) (1) In any case in which the Administration is providing child support services under Title IV, Part D of the Social Security Act, the Administration may, without the necessity of any motion being filed with the court, adjust an incarcerated obligor's payment account to reflect the suspension of the accrual of arrearages under subsection (b) of this section.

(2) Before making an adjustment under paragraph (1) of this subsection, the Administration shall send written notice of the proposed action to the obligee, including the obligee's right to object to the proposed action and an explanation of the procedures for filing an objection.

§12–105.

(a) (1) The Child Support Enforcement Administration of the Department of Human Resources shall maintain a central registry of records of all identifying information that relates to parents who have deserted or who appear to have deserted their children.

(2) The Child Support Enforcement Administration shall list these parents in the registry whether or not their children are likely to become recipients of public assistance or foster care.

(b) In accordance with subsections (c) and (d) of this section, to carry out the purposes of this section, the Child Support Enforcement Administration may receive from any agency of this State, political subdivision of this State, employer, public service company, energy provider, or labor union information and assistance that will enable the Child Support Enforcement Administration, the local enforcement office, or the State's Attorney for the county involved:

(1) to locate an absent parent or a parent who has deserted or appears to have deserted a child;

(2) to enforce the liability of the parent for the support of a child of the parent; or

(3) to obtain other financial and location information concerning parents and putative fathers needed by the Administration to carry out its responsibilities under State and federal law.

(c) (1) Upon written request by the Child Support Enforcement Administration, any agency of this State, political subdivision of this State, employer, or labor union shall provide, if available, a person's:

(i) Social Security account number;

(ii) date of birth;

(iii) last known residence or mailing address;

(iv) present or last known employer;

(v) length of employment;

(vi) job classification;

(vii) name of person to be notified in case of emergency and the person's residence;

(viii) work hours;

(ix) amounts of wages or other assets; and

(x) medical insurance provider.

(2) As to individuals who were employed within the 3 years preceding a request for information by the Child Support Enforcement Administration, the State agency, political subdivision, employer, or labor union shall provide whatever information is available.

(3) (i) Upon request and a showing of cause by the Child Support Enforcement Administration, a circuit court may issue an order requiring an employer or labor union to comply with a request for information under this section.

(ii) If an employer or labor union refuses to provide information from its employee or member files as required by an order by a circuit court issued under this paragraph, the employer or labor union shall be in contempt of court.

(d) (1) In accordance with a subpoena issued by the Administration under §

10-108.6 of this article, a public service company or energy provider shall provide, if available:

(i) a person's name and address; and

(ii) the name and address of the person's employer.

(2) If a public service company or energy provider fails to comply with a subpoena issued by the Administration, the Administration shall have available the remedies provided under § 10-108.4 of this article.

(e) An employer, public service company, energy provider, or labor union that complies with a request from the Administration made under this section is not liable under State law to any person for any:

(1) disclosure of information to the Administration under this section; or

(2) other action taken in good faith to comply with the requirements of this section.

(f) Any record compiled from information provided under this section shall be available only to:

(1) an authorized representative of this State or of a local department of this State; or

(2) a person who has a statutory right to the records in an official capacity.

§12–201.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Actual income" means income from any source.

(2) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "actual income" means gross receipts minus ordinary and necessary expenses required to produce income.

(3) "Actual income" includes:

(i) salaries;

(ii) wages;

(iii) commissions;

(iv) bonuses;

(v) dividend income;

(vi) pension income;

(vii) interest income;

(viii) trust income;

(ix) annuity income;

(x) Social Security benefits;

(xi) workers' compensation benefits;

(xii) unemployment insurance benefits;

(xiii) disability insurance benefits;

(xiv) for the obligor, any third party payment paid to or for a minor child as a result of the obligor's disability, retirement, or other compensable claim;

(xv) alimony or maintenance received; and

(xvi) expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business to the extent the reimbursements or payments reduce the parent's personal living expenses.

(4) Based on the circumstances of the case, the court may consider the following items as actual income:

(i) severance pay;

(ii) capital gains;

(iii) gifts; or

(iv) prizes.

(5) "Actual income" does not include benefits received from means-tested public assistance programs, including temporary cash assistance, Supplemental Security Income, food stamps, and transitional emergency, medical, and housing assistance.

(c) "Adjusted actual income" means actual income minus:

(1) preexisting reasonable child support obligations actually paid; and

(2) except as provided in § 12–204(a)(2) of this subtitle, alimony or maintenance obligations actually paid.

(d) "Adjusted basic child support obligation" means an adjustment of the basic child support obligation for shared physical custody.

(e) "Basic child support obligation" means the base amount due for child support based on the combined adjusted actual incomes of both parents.

(f) "Combined adjusted actual income" means the combined monthly adjusted actual incomes of both parents.

(g) (1) "Extraordinary medical expenses" means uninsured expenses over $100 for a single illness or condition.

(2) "Extraordinary medical expenses" includes uninsured, reasonable, and necessary costs for orthodontia, dental treatment, asthma treatment, physical therapy, treatment for any chronic health problem, and professional counseling or psychiatric therapy for diagnosed mental disorders.

(h) "Income" means:

(1) actual income of a parent, if the parent is employed to full capacity; or

(2) potential income of a parent, if the parent is voluntarily impoverished.

(i) "Obligee" means any person who is entitled to receive child support.

(j) "Obligor" means an individual who is required to pay child support under a court order.

(k) "Ordinary and necessary expenses" does not include amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses or investment tax credits or any other business expenses determined by the court to be inappropriate for determining actual income for purposes of calculating child support.

(l) "Potential income" means income attributed to a parent determined by the parent's employment potential and probable earnings level based on, but not limited to, recent work history, occupational qualifications, prevailing job opportunities, and earnings levels in the community.

(m) (1) "Shared physical custody" means that each parent keeps the child or children overnight for more than 35% of the year and that both parents contribute to the expenses of the child or children in addition to the payment of child support.

(2) Subject to paragraph (1) of this subsection, the court may base a child support award on shared physical custody:

(i) solely on the amount of visitation awarded; and

(ii) regardless of whether joint custody has been granted.

§12–202.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.

(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.

(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.

(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:

1. the terms of any existing separation or property settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any use and possession order or right to occupy the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; and

2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(iv) The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(v) 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court's finding shall state:

A. the amount of child support that would have been required under the guidelines;

B. how the order varies from the guidelines;

C. how the finding serves the best interests of the child; and

D. in cases in which items of value are conveyed instead of a

portion of the support presumed under the guidelines, the estimated value of the items conveyed.

(b) The adoption or revision of the guidelines set forth in this subtitle is not a material change of circumstance for the purpose of a modification of a child support award.

(c) On or before January 1, 1993, and at least every 4 years after that date, the Child Support Enforcement Administration of the Department of Human Resources shall:

(1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and

(2) report its findings and recommendations to the General Assembly, subject to § 2–1246 of the State Government Article.

§12–203.

(a) The Court of Appeals may issue standardized worksheet forms to be used in applying the child support guidelines set forth in this subtitle.

(b) (1) Income statements of the parents shall be verified with documentation of both current and past actual income.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, suitable documentation of actual income includes pay stubs, employer statements otherwise admissible under the rules of evidence, or receipts and expenses if self-employed, and copies of each parent's 3 most recent federal tax returns.

(ii) If a parent is self-employed or has received an increase or decrease in income of 20% or more in a 1-year period within the past 3 years, the court may require that parent to provide copies of federal tax returns for the 5 most recent years.

§12–204.

(a) (1) The basic child support obligation shall be determined in accordance with the schedule of basic child support obligations in subsection (e) of this section. The basic child support obligation shall be divided between the parents in proportion to their adjusted actual incomes.

(2) (i) If one or both parents have made a request for alimony or maintenance in the proceeding in which a child support award is sought, the court shall decide the issue and amount of alimony or maintenance before determining the child support obligation under these guidelines.

(ii) If the court awards alimony or maintenance, the amount of alimony or maintenance awarded shall be considered actual income for the recipient of the alimony or maintenance and shall be subtracted from the income of the payor of the alimony or maintenance under § 12–201(c)(2) of this subtitle before the court determines the amount of a child support award.

(b) (1) Except as provided in paragraph (2) of this subsection, if a parent is voluntarily impoverished, child support may be calculated based on a determination of potential income.

(2) A determination of potential income may not be made for a parent who:

(i) is unable to work because of a physical or mental disability; or

(ii) is caring for a child under the age of 2 years for whom the parents are jointly and severally responsible.

(c) If a combined adjusted actual income amount falls between amounts shown in the schedule, the basic child support amount shall be extrapolated to the next higher amount.

(d) If the combined adjusted actual income exceeds the highest level specified in the schedule in subsection (e) of this section, the court may use its discretion in setting the amount of child support.

(e) Schedule of basic child support obligations:

Combined Adjusted Actual Income	1 Child	2 Children	3 Children	4 Children	5 Children	6 or More Children
100–1200	$20 – $150 Per Month, Based On Resources And Living Expenses Of Obligor And Number Of Children Due Support					
1250	162	163	165	167	169	170
1300	195	197	199	202	204	206
1350	229	231	234	236	239	241
1400	262	265	268	271	274	277
1450	295	299	302	305	308	312
1500	310	330	334	338	341	345

1550	319	362	366	370	374	378
1600	327	394	398	402	407	411
1650	336	425	430	435	439	444
1700	344	457	462	467	472	477
1750	353	488	494	499	505	510
1800	361	520	526	532	537	543
1850	370	537	558	564	570	576
1900	378	550	590	596	603	609
1950	387	562	622	629	635	642
2000	395	574	654	661	668	675
2050	403	586	686	693	701	708
2100	412	598	706	726	733	741
2150	420	610	720	758	766	774
2200	428	622	734	790	799	807
2250	437	634	748	823	831	840
2300	445	646	761	851	864	873
2350	453	657	775	866	897	906
2400	462	669	789	882	930	939
2450	470	681	803	897	962	972
2500	478	693	817	913	995	1005
2550	486	705	831	928	1021	1039
2600	495	717	845	944	1038	1072
2650	503	729	859	959	1055	1105
2700	511	741	873	975	1072	1138
2750	520	753	886	990	1089	1171
2800	528	764	900	1006	1106	1202
2850	536	776	914	1021	1123	1221
2900	544	788	928	1037	1140	1240
2950	553	800	942	1052	1157	1258
3000	561	812	956	1068	1175	1277
3050	570	825	971	1084	1193	1297

3100	578	837	985	1101	1211	1316
3150	587	849	1000	1117	1229	1335
3200	595	861	1014	1133	1246	1355
3250	603	874	1029	1149	1264	1374
3300	612	886	1044	1166	1282	1394
3350	620	898	1058	1182	1300	1413
3400	629	911	1073	1198	1318	1433
3450	636	922	1086	1213	1334	1450
3500	644	932	1098	1227	1349	1467
3550	651	943	1111	1241	1365	1483
3600	658	953	1123	1255	1380	1500
3650	665	964	1136	1268	1395	1517
3700	673	974	1148	1282	1411	1533
3750	680	985	1160	1296	1426	1550
3800	687	995	1173	1310	1441	1567
3850	694	1006	1185	1324	1457	1583
3900	702	1016	1198	1338	1472	1600
3950	709	1027	1210	1352	1487	1617
4000	716	1037	1223	1366	1502	1633
4050	723	1048	1235	1379	1517	1649
4100	730	1057	1245	1391	1530	1663
4150	737	1067	1256	1403	1544	1678
4200	744	1076	1267	1416	1557	1693
4250	750	1086	1278	1428	1571	1707
4300	757	1095	1289	1440	1584	1722
4350	764	1105	1300	1452	1597	1736
4400	771	1114	1311	1464	1611	1751
4450	777	1124	1322	1477	1624	1766
4500	784	1133	1333	1489	1638	1780
4550	791	1143	1344	1501	1651	1795
4600	798	1152	1355	1513	1664	1809

4650	804	1162	1366	1525	1678	1824
4700	811	1172	1376	1538	1691	1838
4750	818	1181	1387	1550	1705	1853
4800	825	1191	1398	1562	1718	1868
4850	832	1200	1409	1574	1732	1882
4900	838	1210	1420	1586	1745	1897
4950	845	1219	1431	1599	1758	1911
5000	852	1229	1442	1611	1772	1926
5050	859	1238	1453	1623	1785	1940
5100	865	1248	1464	1635	1799	1955
5150	872	1257	1475	1647	1812	1970
5200	878	1266	1485	1659	1825	1983
5250	885	1275	1495	1670	1837	1997
5300	891	1284	1505	1681	1850	2011
5350	897	1292	1515	1693	1862	2024
5400	903	1301	1526	1704	1875	2038
5450	909	1310	1536	1715	1887	2051
5500	915	1319	1546	1727	1899	2065
5550	921	1327	1556	1738	1912	2078
5600	927	1336	1566	1749	1924	2092
5650	934	1345	1576	1761	1937	2105
5700	940	1354	1586	1772	1949	2119
5750	946	1362	1597	1783	1962	2132
5800	952	1371	1607	1795	1974	2146
5850	958	1380	1617	1806	1987	2160
5900	964	1388	1627	1817	1999	2173
5950	970	1397	1637	1829	2012	2187
6000	976	1406	1647	1840	2024	2200
6050	983	1415	1658	1851	2037	2214
6100	989	1423	1668	1863	2049	2227
6150	995	1432	1678	1874	2062	2241

6200	1001	1441	1688	1885	2074	2254
6250	1007	1450	1698	1897	2086	2268
6300	1013	1458	1708	1907	2098	2281
6350	1016	1462	1713	1913	2104	2287
6400	1020	1467	1717	1918	2110	2294
6450	1023	1471	1722	1924	2116	2300
6500	1026	1476	1727	1929	2122	2307
6550	1030	1480	1732	1935	2128	2313
6600	1033	1485	1737	1940	2134	2320
6650	1037	1489	1742	1945	2140	2326
6700	1040	1494	1747	1951	2146	2333
6750	1043	1498	1751	1956	2152	2339
6800	1047	1503	1756	1962	2158	2346
6850	1050	1507	1761	1967	2164	2352
6900	1053	1512	1766	1973	2170	2359
6950	1057	1517	1771	1978	2176	2365
7000	1060	1521	1776	1983	2182	2372
7050	1064	1526	1781	1989	2188	2378
7100	1067	1530	1785	1994	2194	2385
7150	1070	1535	1790	2000	2200	2391
7200	1074	1539	1795	2005	2206	2397
7250	1077	1544	1800	2010	2211	2404
7300	1080	1548	1804	2016	2217	2410
7350	1084	1552	1809	2021	2223	2416
7400	1087	1556	1814	2026	2228	2422
7450	1090	1560	1818	2031	2234	2428
7500	1092	1563	1820	2033	2237	2431
7550	1094	1565	1823	2036	2240	2435
7600	1096	1568	1826	2039	2243	2438
7650	1097	1570	1828	2042	2247	2442
7700	1099	1573	1831	2045	2250	2445

7750	1101	1575	1834	2048	2253	2449
7800	1103	1578	1836	2051	2256	2453
7850	1105	1580	1839	2054	2259	2456
7900	1107	1583	1842	2057	2263	2460
7950	1109	1586	1844	2060	2266	2463
8000	1111	1588	1847	2063	2269	2467
8050	1113	1591	1849	2066	2272	2470
8100	1115	1593	1852	2069	2276	2474
8150	1117	1596	1855	2072	2279	2477
8200	1119	1598	1857	2075	2282	2481
8250	1121	1601	1860	2078	2285	2484
8300	1123	1603	1863	2081	2289	2488
8350	1125	1606	1865	2084	2292	2491
8400	1127	1609	1868	2087	2296	2495
8450	1129	1612	1871	2090	2299	2499
8500	1132	1614	1874	2093	2303	2503
8550	1134	1617	1877	2097	2306	2507
8600	1136	1620	1880	2100	2310	2511
8650	1141	1628	1889	2110	2321	2523
8700	1147	1636	1898	2120	2332	2535
8750	1153	1644	1908	2131	2344	2548
8800	1159	1652	1917	2141	2355	2560
8850	1164	1660	1926	2151	2367	2572
8900	1170	1668	1935	2162	2378	2585
8950	1176	1676	1945	2172	2389	2597
9000	1181	1684	1954	2182	2401	2609
9050	1187	1692	1963	2193	2412	2622
9100	1193	1700	1972	2203	2423	2634
9150	1199	1708	1982	2213	2435	2647
9200	1204	1716	1991	2224	2446	2659
9250	1210	1724	2000	2234	2457	2671

9300	1216	1732	2009	2244	2469	2684
9350	1220	1739	2017	2253	2478	2694
9400	1224	1744	2023	2260	2486	2702
9450	1228	1750	2030	2267	2494	2711
9500	1232	1756	2036	2275	2502	2720
9550	1236	1761	2043	2282	2510	2728
9600	1240	1767	2049	2289	2518	2737
9650	1244	1772	2056	2296	2526	2746
9700	1248	1778	2062	2304	2534	2754
9750	1252	1784	2069	2311	2542	2763
9800	1255	1789	2075	2318	2550	2772
9850	1259	1795	2082	2325	2558	2780
9900	1263	1800	2088	2333	2566	2789
9950	1267	1806	2095	2340	2574	2798
10000	1271	1811	2101	2347	2582	2806
10050	1301	1836	2126	2372	2607	2831
10100	1308	1861	2151	2397	2632	2856
10150	1314	1886	2176	2422	2657	2881
10200	1321	1911	2201	2447	2682	2906
10250	1327	1936	2226	2472	2707	2931
10300	1334	1955	2251	2497	2732	2956
10350	1340	1965	2276	2522	2757	2981
10400	1347	1974	2301	2547	2782	3006
10450	1353	1984	2326	2572	2807	3031
10500	1359	1993	2351	2597	2832	3056
10550	1366	2003	2376	2622	2857	3081
10600	1372	2012	2388	2647	2882	3106
10650	1379	2022	2399	2672	2907	3131
10700	1385	2031	2410	2697	2932	3156
10750	1392	2041	2422	2712	2957	3181
10800	1398	2050	2433	2725	2982	3206

10850	1405	2060	2444	2737	3007	3231
10900	1411	2069	2455	2750	3032	3256
10950	1418	2079	2467	2762	3056	3281
11000	1424	2088	2478	2775	3070	3306
11050	1431	2097	2489	2788	3083	3331
11100	1437	2107	2501	2800	3097	3356
11150	1444	2116	2512	2813	3111	3381
11200	1450	2126	2523	2825	3125	3406
11250	1457	2135	2534	2838	3139	3427
11300	1463	2145	2546	2851	3153	3442
11350	1470	2154	2557	2863	3167	3457
11400	1476	2164	2568	2876	3181	3472
11450	1482	2173	2579	2889	3195	3488
11500	1489	2183	2591	2901	3209	3503
11550	1495	2192	2602	2914	3223	3518
11600	1502	2202	2613	2926	3237	3533
11650	1508	2211	2624	2939	3251	3548
11700	1515	2221	2636	2952	3265	3564
11750	1521	2230	2647	2964	3279	3579
11800	1528	2240	2658	2977	3293	3594
11850	1534	2249	2669	2989	3307	3609
11900	1541	2259	2681	3002	3321	3625
11950	1547	2268	2692	3015	3335	3640
12000	1554	2278	2703	3027	3349	3655
12050	1560	2287	2715	3040	3363	3670
12100	1567	2297	2726	3053	3376	3685
12150	1573	2306	2737	3065	3390	3701
12200	1580	2316	2748	3078	3404	3716
12250	1586	2325	2760	3090	3418	3731
12300	1593	2335	2771	3103	3432	3746
12350	1599	2344	2782	3116	3446	3762

12400	1605	2354	2793	3128	3460	3777
12450	1612	2363	2805	3141	3474	3792
12500	1618	2373	2816	3153	3488	3807
12550	1625	2382	2827	3166	3502	3823
12600	1631	2392	2838	3179	3516	3838
12650	1638	2401	2850	3191	3530	3853
12700	1644	2411	2861	3204	3544	3868
12750	1651	2420	2872	3217	3558	3883
12800	1657	2430	2883	3229	3572	3899
12850	1664	2439	2895	3242	3586	3914
12900	1670	2449	2906	3254	3600	3929
12950	1677	2458	2917	3267	3614	3944
13000	1683	2468	2929	3280	3628	3960
13050	1690	2477	2940	3292	3642	3975
13100	1696	2487	2951	3305	3655	3990
13150	1703	2496	2962	3317	3669	4005
13200	1709	2506	2974	3330	3683	4021
13250	1716	2515	2985	3343	3697	4036
13300	1722	2525	2996	3355	3711	4051
13350	1728	2534	3007	3368	3725	4066
13400	1735	2544	3019	3380	3739	4081
13450	1741	2553	3030	3393	3753	4097
13500	1748	2563	3041	3406	3767	4112
13550	1754	2572	3052	3418	3781	4127
13600	1761	2582	3064	3431	3795	4142
13650	1767	2591	3075	3444	3809	4158
13700	1774	2601	3086	3456	3823	4173
13750	1780	2610	3098	3469	3837	4188
13800	1787	2619	3109	3481	3851	4203
13850	1793	2629	3120	3494	3865	4219
13900	1800	2638	3131	3507	3879	4234

13950	1806	2648	3143	3519	3893	4249
14000	1813	2657	3154	3532	3907	4264
14050	1819	2667	3165	3544	3921	4279
14100	1826	2676	3176	3557	3935	4295
14150	1832	2686	3188	3570	3948	4310
14200	1839	2695	3199	3582	3962	4325
14250	1845	2705	3210	3595	3976	4340
14300	1851	2714	3221	3608	3990	4356
14350	1858	2724	3233	3620	4004	4371
14400	1864	2733	3244	3633	4018	4386
14450	1871	2743	3255	3645	4032	4401
14500	1877	2752	3266	3658	4046	4416
14550	1884	2762	3278	3671	4060	4432
14600	1890	2771	3289	3683	4074	4447
14650	1897	2781	3300	3696	4088	4462
14700	1903	2790	3312	3708	4102	4477
14750	1910	2800	3323	3721	4116	4493
14800	1916	2809	3334	3734	4130	4508
14850	1923	2819	3345	3746	4144	4523
14900	1929	2828	3357	3759	4158	4538
14950	1936	2838	3368	3772	4172	4554
15000	1942	2847	3379	3784	4186	4569

(f) The adjusted basic child support obligation shall be determined by multiplying the basic child support obligation by one and one–half.

(g) (1) Subject to paragraphs (2) and (3) of this subsection, actual child care expenses incurred on behalf of a child due to employment or job search of either parent shall be added to the basic obligation and shall be divided between the parents in proportion to their adjusted actual incomes.

(2) Child care expenses shall be:

(i) determined by actual family experience, unless the court determines that the actual family experience is not in the best interest of the child; or

(ii) if there is no actual family experience or if the court determines that actual family experience is not in the best interest of the child:

1. the level required to provide quality care from a licensed source; or

2. if the obligee chooses quality child care with an actual cost of an amount less than the level required to provide quality care from a licensed source, the actual cost of the child care expense.

(3) Additional child care expenses may be considered if a child has special needs.

(h) (1) Any actual cost of providing health insurance coverage for a child for whom the parents are jointly and severally responsible shall be added to the basic child support obligation and shall be divided by the parents in proportion to their adjusted actual incomes.

(2) Any extraordinary medical expenses incurred on behalf of a child shall be added to the basic child support obligation and shall be divided between the parents in proportion to their adjusted actual incomes.

(i) By agreement of the parties or by order of court, the following expenses incurred on behalf of a child may be divided between the parents in proportion to their adjusted actual incomes:

(1) any expenses for attending a special or private elementary or secondary school to meet the particular educational needs of the child; or

(2) any expenses for transportation of the child between the homes of the parents.

(j) (1) Except as provided in paragraph (2) of this subsection, when a disability dependency benefit, a retirement dependency benefit, or other third party dependency benefit is paid to or for a child of an obligor who is disabled, retired, or is receiving benefits from any source as a result of a compensable claim, the amount of the compensation shall be set off against the child support obligation calculated using the guidelines.

(2) (i) If the amount paid to or for a child exceeds the current child support obligation calculated using the guidelines, the excess payment shall be credited to any existing child support arrearage that accrued after the effective date the benefits were awarded.

(ii) The excess payment may not be credited to any future child support obligation.

(k) (1) Upon the expiration of a use and possession order or the expiration of the right to occupy the family home under a separation or property settlement agreement and upon motion of either party, the court shall review the child support award.

(2) If the allocation of financial responsibility for the family home was a factor in departing from the guidelines under subsection (a) of this section, the court may modify the child support, if appropriate in all the circumstances, upon the expiration of the use and possession order or the expiration of the right to occupy the family home under a separation or property settlement agreement.

(l) (1) Except in cases of shared physical custody, each parent's child support obligation shall be determined by adding each parent's respective share of the basic child support obligation, work–related child care expenses, health insurance expenses, extraordinary medical expenses, and additional expenses under subsection (i) of this section.

(2) The obligee shall be presumed to spend that parent's total child support obligation directly on the child or children.

(3) The obligor shall owe that parent's total child support obligation as child support to the obligee minus any ordered payments included in the calculations made directly by the obligor on behalf of the child or children for work–related child care expenses, health insurance expenses, extraordinary medical expenses, or additional expenses under subsection (i) of this section.

(m) (1) In cases of shared physical custody, the adjusted basic child support obligation shall first be divided between the parents in proportion to their respective adjusted actual incomes.

(2) Each parent's share of the adjusted basic child support obligation shall then be multiplied by the percentage of time the child or children spend with the other parent to determine the theoretical basic child support obligation owed to the other parent.

(3) Subject to the provisions of paragraphs (4) and (5) of this subsection, the parent owing the greater amount under paragraph (2) of this subsection shall owe the difference in the 2 amounts as child support.

(4) In addition to the amount of the child support owed under paragraph (3) of this subsection, if either parent incurs child care expenses under subsection (g) of this section, health insurance expenses under subsection (h)(1) of this section, extraordinary medical expenses under subsection (h)(2) of this section, or additional expenses under subsection (i) of this section, the expense shall be divided between the parents in proportion to their respective adjusted actual incomes. The parent not

incurring the expense shall pay that parent's proportionate share to:

(i) the parent making direct payments to the provider of the service; or

(ii) the provider directly, if a court order requires direct payments to the provider.

(5) The amount owed under paragraph (3) of this subsection may not exceed the amount that would be owed under subsection (l) of this section.

§13–101.

(a) In this title the following words have the meanings indicated.

(b) "Destitute adult child" means an adult child who:

(1) has no means of subsistence; and

(2) cannot be self-supporting, due to mental or physical infirmity.

(c) "Destitute parent" means a parent who:

(1) has no means of subsistence; and

(2) cannot be self-supporting, due to old age or mental or physical infirmity.

§13–102.

(a) If a destitute parent is in this State and has an adult child who has or is able to earn sufficient means, the adult child may not neglect or refuse to provide the destitute parent with food, shelter, care, and clothing.

(b) If a destitute adult child is in this State and has a parent who has or is able to earn sufficient means, the parent may not neglect or refuse to provide the destitute adult child with food, shelter, care, and clothing.

(c) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year, or both.

§13–103.

(a) A complaint under this section shall be made under oath in writing to a State's Attorney.

(b) An individual may make a complaint that states that:

(1) the individual is a destitute parent;

(2) an adult child of the destitute parent has or is able to earn means sufficient to provide the destitute parent with necessary food, shelter, care, and clothing; and

(3) the adult child has neglected or refused to provide the destitute parent with necessary food, shelter, care, and clothing.

(c) An individual may make a complaint that states that:

(1) the individual is a destitute adult child;

(2) a parent of the destitute adult child has or is able to earn means sufficient to provide the destitute adult child with necessary food, shelter, care, and clothing; and

(3) the parent has neglected or refused to provide the destitute adult child with necessary food, shelter, care, and clothing.

§13–104.

(a) After a complaint is filed under § 13-103 of this title and before an information is prepared, the State's Attorney may hold a pretrial inquiry.

(b) In connection with any pretrial inquiry under this section, the State's Attorney may:

(1) issue a summons that requires a person other than the accused individual to appear, to testify, and to produce documents connected to the inquiry;

(2) administer oaths;

(3) examine witnesses; and

(4) receive evidence.

(c) (1) If a person fails to obey a summons, or fails to testify or comply with the requests of the State's Attorney, the State's Attorney may ask the circuit court for the county to order the person:

(i) to obey the summons;

(ii) to testify; or

(iii) to produce any document that the court considers necessary for the inquiry.

(2) If a person fails or refuses to obey the order of court after the order has

been served, the person is in contempt of court and the court may punish the person for the contempt.

(3) A finding of contempt under this subsection is subject to appeal.

§13–105.

Before the State's Attorney conducts an inquiry under § 13-104 of this title, the State's Attorney shall notify the accused individual in writing of:

(1) the time and place of the inquiry;

(2) the accused individual's right to appear at the inquiry and to produce evidence or information that relates to the matters examined; and

(3) the accused individual's right to testify if the individual:

(i) notifies the State's Attorney of the individual's desire to testify; and

(ii) signs a waiver that permits the individual's testimony to be used against the individual in any later trial that arises from the complaint.

§13–106.

(a) The State's Attorney may file an information that charges the accused individual with nonsupport of the individual's destitute parent or destitute adult child, based on the complaint.

(b) After filing an information, the State's Attorney may seek to obtain the consent of the accused individual to the entry of a court order under § 13-107 of this title.

§13–107.

(a) With the written consent of the accused individual before charging or trial, or on conviction of the individual under this subtitle, the court shall order the individual:

(1) to pay support:

(i) to the individual's destitute parent or destitute adult child; or

(ii) if the destitute parent or destitute adult child is a public charge to the agency that is authorized by law to receive these payments; and

(2) to give a bond with securities to this State, conditioned on compliance with the court's order and any modification of the order.

(b) In determining the amount of support, the court shall consider the financial

circumstances of the individual.

(c) The individual shall pay the support until the destitute parent or destitute adult child has other means of adequate support or dies.

(d) The court may modify the order.

§13–108.

(a) An individual who fails to give bond after being ordered to give bond under § 13-107 of this title is subject to imprisonment until bond is given, not exceeding 1 year.

(b) In consideration of the financial circumstances of the accused individual, and on the individual's entering into a recognizance, the court may:

(1) suspend imposition of the sentence for failure to give bond; and

(2) place the individual on probation for the period that the individual is required to pay support.

(c) The recognizance ordered by the court shall be:

(1) in the amount that the court directs, with or without security; and

(2) on the conditions that:

(i) if the individual is summoned to appear before the court, the individual shall appear; and

(ii) the individual shall pay support as ordered by the court.

(d) If an individual fails to pay support under the court's order, the court may revoke the probation and impose the sentence for failure to give bond.

(e) The court may order that any forfeited recognizance be paid:

(1) to the individual's destitute parent or destitute adult child; or

(2) if the individual's destitute parent or destitute adult child is a public charge, to the agency that is authorized by law to receive the forfeited recognizance.

§13–109.

The court shall release an individual who is ordered to pay support under this subtitle and any sureties of that individual from the terms of any court order, bond, or recognizance under this subtitle if:

(1) the individual or the individual's destitute parent or destitute adult child dies;

(2) the individual's destitute parent or destitute adult child becomes self-supporting; or

(3) the individual becomes unable to earn or loses possession of means sufficient to provide for the individual's destitute parent or destitute adult child.

§14–101.

(a) In this title the following words have the meanings indicated.

(b) "Abuse" means the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person.

(c) "Director" means the director of the local department in the county where the vulnerable adult lives.

(d) "Disabled person" has the meaning stated in § 13-101(e) of the Estates and Trusts Article.

(e) "Emergency" means any condition in which an individual is living that presents a substantial risk of death or immediate and serious physical harm to the individual or others.

(f) "Exploitation" means any action which involves the misuse of a vulnerable adult's funds, property, or person.

(g) "Health practitioner" includes any person who is authorized to practice healing under the Health Occupations Article.

(h) (1) "Human service worker" means any professional employee of any public or private health or social services agency or provider.

(2) "Human service worker" includes:

(i) any social worker; and

(ii) any caseworker.

(i) "Law enforcement agency" means a State, county, or municipal police department, bureau, or agency.

(j) Except as provided in §§ 14-201, 14-402, and 14-403 of this title, "local department" means the local department that has jurisdiction in the county:

(1) where the vulnerable adult lives; or

(2) where the abuse is alleged to have taken place.

(k) "Local State's Attorney" means the State's Attorney for the county:

(1) where the vulnerable adult lives; or

(2) where the abuse is alleged to have taken place.

(l) (1) "Neglect" means the willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or habilitative therapy, shelter, or supervision.

(2) "Neglect" does not include the providing of nonmedical remedial care and treatment for the healing of injury or disease, with the consent of the vulnerable adult, recognized by State law instead of medical treatment.

(m) "Police officer" means any State or local officer who is authorized to make arrests as part of the officer's official duty.

(n) "Review board" means the adult public guardianship review board.

(o) "Secretary" means the Secretary of Human Resources.

(p) "Self-neglect" means the inability of a vulnerable adult to provide the vulnerable adult with the services:

(1) that are necessary for the vulnerable adult's physical and mental health; and

(2) the absence of which impairs or threatens the vulnerable adult's well-being.

(q) "Vulnerable adult" means an adult who lacks the physical or mental capacity to provide for the adult's daily needs.

§14–102.

(a) It is the policy of the State that adults who lack the physical or mental capacity to care for their basic daily living needs shall have access to and be provided with needed professional services sufficient to protect their health, safety, and welfare.

(b) The General Assembly intends that the provisions for appointment of public officials as guardian of the person be used sparingly and with utmost caution and only if an alternative does not exist.

§14–103.

This title does not apply to:

(1) the abuse of a patient in a mental health facility, under Title 10 of the Health – General Article;

(2) the abuse of a patient in a facility for individuals with an intellectual

disability under Title 7 of the Health – General Article;

(3) the abuse of a patient in a nursing home under Title 19 of the Health – General Article; or

(4) the abuse of a patient in a hospital under Title 19 of the Health – General Article.

§14–104.

(a) This title does not prevent any appropriation of additional funds by any county, including Baltimore City, for adult protective services.

(b) The services provided under this title are supplementary to any services provided under the Older Americans Act.

§14–201.

To implement the policy set out in § 14-102 of this title, the Secretary, with the advice of the Secretary of Health and Mental Hygiene and the Secretary of Aging, shall develop, supervise, and cause each local department to implement a program of protective services for disabled individuals and vulnerable adults.

§14–202.

(a) The adult protective services program shall include:

(1) intake and investigative services including, if appropriate, medical, social, and psychiatric evaluation;

(2) planning for the needs of the recipient of services;

(3) assistance to locate, apply for, and effectively use home care, day care, chore services, transportation, counseling, emergency arrangements, and other health and social services;

(4) cooperation with the courts, including provision of any necessary recommendations, reports, or petitions;

(5) counsel to represent any indigent recipient of services in any protective proceeding or any review board hearing conducted under Subtitle 3 or Subtitle 4 of this title, and assistance to locate, apply for, and effectively use other legal assistance;

(6) notification of and participation by the Secretary of Aging or the director of the local office on aging, as appropriate, as a party in any protective proceeding or review board hearing relating to an individual who is 65 years old or older; and

(7) notification of the appropriate criminal or juvenile delinquency court if

the program has information indicating that the interests of the person with a disability as a victim are not adequately protected in a case before the court.

(b) For adults 65 years old and over, the services of the protective services program shall be coordinated with the Department of Aging or the local office on aging as appropriate.

§14–203.

(a) The director may contract with any public or private organization to provide protective services.

(b) The director may not contract with any other person to act as guardian of the person of a disabled individual.

§14–204.

(a) Subject to the provisions of subsection (b) of this section, the Secretary shall establish a fee schedule based on financial ability to pay under which the individual who receives protective services, or the individual's legally responsible relative shall reimburse the federal, State, or local government for the services provided.

(b) An individual may not be charged a fee for protective services if:

(1) federal law or federal regulations prohibit an income eligibility test for the protective service; or

(2) the recipient is eligible for continuing financial aid under:

(i) the federal program of Supplemental Security Income;

(ii) the federal-State program of temporary cash assistance; or

(iii) the State program of transitional emergency, medical, and housing assistance.

§14–205.

The adult protective services program shall be funded as provided in the State budget.

§14–301.

The provisions of this subtitle do not limit the responsibility of a law enforcement agency to enforce the laws of this State or preclude a law enforcement agency from reporting and investigating alleged criminal conduct.

§14–302.

(a) Notwithstanding any law on privileged communications, each health practitioner, police officer, or human service worker who contacts, examines, attends, or treats an alleged vulnerable adult, and who has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation shall:

(1) notify the local department; and

(2) if acting as a staff member of a hospital or public health agency, immediately notify and give all the information required by this section to the head of the institution or the designee of the head.

(b) An individual who is required to make a report under subsection (a) of this section shall make the report by telephone, direct communication, or in writing to the local department as soon as possible.

(c) Any individual other than a health practitioner, human service worker, or police officer who has reason to believe that an alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation may file with the local department an oral or written report of the suspected abuse, neglect, self-neglect, or exploitation.

(d) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the alleged vulnerable adult;

(2) the name and home address of the person responsible for the care of the alleged vulnerable adult;

(3) the whereabouts of the alleged vulnerable adult;

(4) the nature of the alleged vulnerable adult's incapacity;

(5) the nature and extent of the abuse, neglect, self-neglect, or exploitation of the alleged vulnerable adult, including evidence or information available to the reporter concerning previous injury possibly resulting from abuse, neglect, self-neglect, or exploitation; and

(6) any other information that would help to determine:

(i) the cause of the suspected abuse, neglect, self-neglect, or exploitation; and

(ii) the identity of any individual responsible for the abuse, neglect, self-neglect, or exploitation.

§14–303.

(a) To protect the welfare of the alleged vulnerable adult the local department shall begin a thorough investigation:

(1) within 5 working days after the receipt of the report of suspected abuse, neglect, self–neglect, or exploitation; or

(2) within 24 hours after the receipt of the report of suspected abuse, neglect, self–neglect, or exploitation if the report indicates that an emergency exists.

(b) The investigation shall include:

(1) a determination of whether:

(i) the individual is a vulnerable adult; and

(ii) there has been abuse, neglect, self–neglect, or exploitation; and

(2) if the individual is determined to be a vulnerable adult and to have suffered abuse, neglect, self–neglect, or exploitation:

(i) a determination of the nature, extent, and cause of the abuse, neglect, self–neglect, or exploitation;

(ii) a determination of the identity of the person or persons responsible for the abuse, neglect, self–neglect, or exploitation;

(iii) an evaluation of the home environment; and

(iv) a determination of any other pertinent facts.

(c) (1) On request by the local department, the local State's Attorney or the appropriate law enforcement agency shall assist in the investigation.

(2) As appropriate, the local office on aging or the Department of Aging, local geriatric evaluation service, or any other public or private agency providing services or care to the alleged vulnerable adult or whose information or expertise may be of assistance in assessing risk or planning services may assist in the investigation on the request by the local department.

(3) Any agencies set out in this subsection may jointly agree to cooperative arrangements for investigation.

(d) An investigation under this section shall be completed within:

(1) 30 days; or

(2) 10 days if the report indicates that an emergency exists.

(e) Parties participating in an investigation may share pertinent client information relevant to the investigation.

§14–304.

(a) If, in the course of an investigation under § 14–303 of this subtitle, a representative of the local department believes that an emergency exists, the representative may contact the local law enforcement agency.

(b) A police officer shall:

(1) accompany the representative; and

(2) if the police officer agrees that an emergency exists as described in § 13–709(a) of the Estates and Trusts Article, the officer shall ensure that the individual is transported to an appropriate health care facility under § 13–709(a) of the Estates and Trusts Article.

§14–305.

Based on the investigation under this subtitle, the local department shall:

(1) render or assist a vulnerable adult to receive the appropriate services in the best interests of the vulnerable adult under the program of adult protective services;

(2) as appropriate, involve the local office on aging;

(3) report to the appropriate local law enforcement agency any incident of abuse, neglect, or exploitation of an alleged vulnerable adult where the possibility of a crime being committed against the alleged vulnerable adult is indicated by information provided in the initial report to the local department or by information obtained in the course of investigation; and

(4) send to the local State's Attorney and the appropriate local law enforcement agency a report of the investigation of any incident of abuse, neglect, or exploitation of an alleged vulnerable adult which was or should have been reported to the appropriate local law enforcement agency under item (3) of this section.

§14–307.

(a) If after the investigation under this subtitle the director determines that the individual requires protective services, with the individual's consent, the director shall provide the services.

(b) If the individual is unwilling or unable to accept protective services voluntarily, the director may petition the court for:

(1) an emergency order for protective services under Title 13, Subtitle 7 of the Estates and Trusts Article;

(2) the appointment of a guardian of the person under Title 13, Subtitle 7 of the Estates and Trusts Article; or

(3) the appointment of a guardian of the property under Title 13, Subtitle 2 of the Estates and Trusts Article.

(c) The director shall submit with any petition filed under this section the findings of the investigation under § 14-303 of this subtitle, including:

(1) an evaluation of the medical, psychiatric, and social factors that affect the individual's condition; and

(2) a description of recommended services.

(d) The director shall notify the Secretary of Aging or director of the local office on aging, as appropriate, of each guardianship proceeding that the director institutes under this subtitle that involves an individual who is 65 years old or older.

(e) If, as a result of a proceeding that the director institutes under this subtitle, the court appoints the director as guardian, the guardianship:

(1) shall transfer automatically to each individual who becomes director, unless the court terminates the guardianship; and

(2) may not be delegated to any other person.

§14–308.

(a) Subject to the provisions of subsection (b) of this section, the identity of any person who makes a report under § 14-302 of this subtitle shall be confidential.

(b) The identity of a person who makes a report under § 14-302 of this subtitle may be disclosed if:

(1) the person consents; or

(2) the court orders the disclosure.

§14–309.

Any person who makes or participates in making a report under this subtitle or participates in an investigation or a judicial proceeding resulting from a report under this subtitle shall have the immunity from liability described under § 5-622 of the Courts and Judicial Proceedings Article.

§14–401.

(a) Except as provided in subsection (b) of this section, there shall be at least 1 review board in each county.

(b) Two or more counties may agree to establish a single multicounty review board.

§14–402.

(a) (1) Each review board consists of 11 members appointed:

(i) by the county commissioners;

(ii) in Baltimore City, by the Mayor with the advice and consent of the City Council;

(iii) in any county that has a county executive, by the county executive with the advice and consent of the county council; or

(iv) if 2 or more counties have agreed to establish a multicounty review board, jointly by the appropriate officials of the counties served by the board.

(2) Of the 11 members:

(i) 1 shall be a professional representative of a local department;

(ii) 1. in counties other than St. Mary's County:

A. 1 shall be a physician's assistant, nurse practitioner, or physician who is not a psychiatrist; and

B. 1 shall be a psychiatrist; and

2. in St. Mary's County:

A. 1 shall be a physician's assistant, nurse practitioner, or physician who is not a psychiatrist; and

B. 1 shall be a psychiatrist or psychologist;

(iii) 1 shall be a representative of a local commission on aging;

(iv) 1 shall be a professional representative of a local nonprofit social service organization;

(v) 1 shall be a lawyer;

(vi) 2 shall be lay individuals;

(vii) 1 shall be a registered nurse;

(viii) 1 shall be a professional in the field of disabilities; and

(ix) 1 shall be a person with a physical disability.

(b) (1) Except as provided in paragraph (3) of this subsection, the term of a member is 3 years.

(2) The terms of members are staggered as required by the terms provided for members of the review board on October 1, 1984.

(3) In Charles County, the term of a member is 4 years.

(4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

§14–403.

(a) A member of a review board:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(b) (1) The local department shall provide the office space and personnel that the review board needs to perform its duties.

(2) If 2 or more counties have agreed to establish a multicounty review board, the counties shall jointly designate the local department in one of the counties served by the review board to provide the office space and personnel that the review board needs to perform its duties.

§14–404.

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, at least every 6 months the review board shall review each guardianship that a public agency holds.

(ii) At least once a year the review board shall review each guardianship that a public agency has held for more than 1 year.

(iii) At least every 6 months the review board shall conduct a file review of each guardianship that a public agency has held for more than 1 year based on a written report to the board including the present place of residence and health status

of the ward, the guardian's plan for preserving and maintaining the future well–being of the ward, the need for continuation or cessation of the guardianship or for any plans in altering the powers of the guardian, and the most recent dates of visits by the guardian or the guardian's designee.

(2) The review board may review a case more frequently if:

(i) the disabled individual, the disabled individual's guardian, or the disabled individual's attorney files a petition for review; or

(ii) the review board, on its own motion, schedules a review.

(b) (1) Notwithstanding the provisions of § 13–708(b)(7) of the Estates and Trusts Article, each time that the review board reviews a guardianship, the review board shall recommend that the guardianship be:

(i) continued;

(ii) modified; or

(iii) terminated.

(2) Notwithstanding that the review board recommends that a guardianship be continued, the court may order that the guardianship be modified or terminated.

(c) The disabled individual shall:

(1) attend each review board hearing if the disabled individual is able to attend; and

(2) be represented at each review board hearing by:

(i) the lawyer that the disabled individual chooses; or

(ii) a lawyer who is appointed by the court.

(d) Except for purposes of a judicial proceeding under this title, all records of the review board are confidential.